



DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
DNRC-LOLO LAND EXCHANGE

USDA FOREST SERVICE

LOLO NATIONAL FOREST

MONTANA

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

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JOINT DECISION SUMMARY

This Joint Decision Notice documents the decision of the Forest Service (Lolo National Forest Supervisor) and Montana Department of Natural Resources and Conservation (Southwest Lands Area Manager) to select and implement Alternative 4 to accomplish the DNRC- Lolo Land Exchange. Implementation of Alternative 4, as more fully described in the DNRC –Lolo Land Exchange Environmental Assessment (EA) issued October, 2006, will achieve the public goals of improving the efficiency of land management by consolidating or improving land ownership patterns. Please refer to Table 2 and Table 3 for listing of federal and non-federal lands, and Appendix A for maps depicting the lands to be exchanged.

The exchange will be completed in accordance with the General Exchange Act of 1922, as amended, the Boundary Extension Act of 1929, the Federal Land Management and Policy Act of 1976, as amended, the Federal Land Exchange Facilitation Act of August 1988 and Montana Codes Annotated Sections Montana Constitution Article X Section 11; 77-2-201 through 77-2-217, and the DNRC Land Exchange Policy. We are the responsible officials representing the Forest Service (FS) and the Montana Department of Natural Resources and Conservation (DNRC) for this project. The scope of our decision is limited to the actions described in the EA and this Decision Notice and Finding of No Significant Impact. This decision is site-specific.

I. INTRODUCTION

The concept of a land exchange of this type and scope has been discussed by the Montana Department of Natural Resources and Conservation (DNRC) and the Lolo National Forest (NF) for over twenty years. The current proposal was jointly initiated by the agencies in 1999. The Lolo NF and DNRC prioritized this project and initiated the National Environmental Policy Act (NEPA) and Montana Environmental Policy Act (MEPA) processes, respectively. The Lolo NF and DNRC have worked cooperatively on various aspects of this project including providing staff and specialist time. District Rangers, District Resource Specialists, Lands Staff, and certified land appraisers worked closely with DNRC's land managers and resource specialists to select and approve parcels to be included in the proposed exchange. Both agencies have worked to solve identified resource concerns, access issues, and logistical problems associated with a multi-parcel exchange.

The Lolo NF's interest and purpose in this exchange is to acquire lands with high public values and isolated in-holdings to consolidate or improve National Forest System land ownership patterns which would preclude development on these parcels inside the NF boundary. The DNRC's interest and purpose in this exchange is to: dispose of lands with high public values that are at odds with trust obligations to generate revenue, and to reduce inefficiencies associated with managing small or isolated parcels of school trust lands. This would provide for more efficient and effective lands management by both agencies by reducing: the length of shared property boundary; the number of survey corners common to both agencies; the need to acquire and issue special-use and/or right-of-way authorizations; and it would allow easier implementation of fuels reduction projects, prescribed burning, landscape-level big game winter range enhancement treatments, and long-term conservation of security core habitat for grizzly bears inside the Cabinet-Yaak Ecosystem (CYE)

grizzly bear recovery area. Other benefits of this exchange include a substantial cost savings through increased efficiencies; reduced conflicts between the two agencies re: fire suppression responsibilities; and less confusion for the public re: determining land ownership.

The DNRC-Lolo Land Exchange Environmental Assessment (EA) documents the analysis of alternatives to meet this need.

Parcels included in the land exchange between the state of Montana DNRC and the USDA Forest Service, Lolo National Forest are referred to as “non-federal” and “federal” respectively, in this document.

II. ALTERNATIVES TO THE PROPOSED ACTION

ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

The following alternatives were considered but were not analyzed in detail for the reasons stated below.

Alternative 2 - Original Proposed Action

This was the original proposed action that was used in public scoping in April, 2004. It included all of the parcels included in Alternative 4 as well as South DeBorgia 36 (NF), South DeBorgia 25 (NF), and Sunrise (DNRC). This alternative was dropped after initial Interdisciplinary Team (IDT) analysis for fisheries and watershed resources and based upon DNRC not owning the mineral estate on the Sunrise parcel. The protection of water resources and fisheries provided by the Lolo NF Forest Plan, as amended by the Inland Native Fish Strategy, is greater than that provided by Montana’s Streamside Management Zone requirements, Best Management Practices, and administrative rules for forest management. This alternative would not meet Lolo NF Forest Plan for water quality standards based on review of two Lolo NF streamside parcels proposed for exchange.

Alternative 3 - Modified Proposed Action

This alternative deleted the exchange of five federal parcels and one non-federal parcel that have mineral and oil/gas rights outstanding to a third party. This alternative was dropped after an agreement to phase the transfer of federal parcels pending potential purchase of the outstanding mineral estates by the Forest Service. The non-federal parcel would be dropped and DNRC would hold subsurface rights to an equal number of acres of similar hard-rock and fluid mineral potential until final conveyance for this phase. This would allow for exchange of full estates by both agencies.

Alternative 5 - Purchase

Purchasing rather than exchanging land was considered. DNRC does not favor an outright sale to the federal government as this would not secure the greatest advantage for the trust beneficiaries of the state of Montana as prescribed by law (77-1-202 MCA). Based on Montana state law which severely restricts the sale of school trust land to the federal government, and the Lolo NF's lack of funding for land purchase, purchase was not pursued as a selectable alternative.

Alternative 6 - Deed Restriction

An exchange with deed restriction or protective covenants on the conveyed federal parcels to protect other resource values was considered. The Lolo NF reviewed the need for deed restrictions or protective covenants through the environmental analysis for wildlife, wetlands and floodplains, heritage resources, and sensitive plants (EA p. 2-7). The Lolo NF concluded, based on resulting agreements, and recognition that DNRC must comply with the Montana Environmental Policy Act (MEPA Title 75 Chapters 1-3 MCA) as well as State Administrative Rules (Title 36), and that Montana Statute recognizes the values of public recreation and multiple use management of School Trust Lands (77-1-202(2) and 77-1-203), that no additional restrictions are warranted to comply with legal, regulatory requirements, executive orders, policy, or the Lolo NF Forest Plan. This alternative was not pursued.

ALTERNATIVES ANALYZED IN DETAIL

In addition to the Selected Alternative (Alternative 4 as balanced by the deletion of 2 parcels that were to be conveyed to the state), we considered two other alternatives in detail. A comparison of these alternatives can be found in Table 1. These alternatives were not selected for the reasons stated below.

Alternative 1 - No Action

No exchange of lands would be completed. The DNRC parcels would remain in state of Montana ownership and the federal lands would remain in the National Forest System with management guided by Forest Plans.

This alternative was not selected because it does not meet the Lolo NF's purpose and need to acquire isolated inholdings to consolidate or improve NF land ownership patterns and provide for more efficient and effective lands management or the DNRC's purpose and need to dispose of lands with high public values that are at odds with trust obligations to generate revenue and to reduce inefficiencies associated with managing small or isolated parcels of school trust lands.

Alternative 4a – Linkage Zones

This alternative was the same as the Selected Alternative except Fourmile 5, Fourmile 9, and Fourmile 10, all within Mineral County, were not proposed for conveyance to the state of Montana. The 3 parcels (approximately 1,177 acres) would be retained by the Lolo NF to address a concern for the potential loss of wildlife linkage corridors in the Slowey/Fourmile area east of St. Regis. A corresponding reduction in DNRC acreage acquired by the Lolo NF within Mineral County would have occurred under this alternative to be determined based on approved appraised land values.

While Alternative 4a was designed in response to concerns about the Slowey/Fourmile area as a potential grizzly bear linkage zone, these concerns are primarily based on the conjecture that DNRC will sell and/or subdivide these tracts. Alternative 4a was not chosen over Alternative 4 for the following reasons:

- The actual exchange of ownership would have no impact on this potential linkage zone.
- The Slowey/Fourmile area is not within any grizzly bear recovery zone area and is not within occupied grizzly bear habitat.
- Concerns were raised about the potential for DNRC tracts to be sold and subdivided. DNRC sections 4, 8, 10, and 16 that surround the FS sections proposed for exchange in the Slowey area, were ranked a “medium” potential for development (L. Mullins, DNRC, pers. comm. {February 3, 2005}). DNRC indicated that the acquired tracts would likely rank the same as the adjacent tracts. Currently, DNRC has no plans to sell the acquired tracts for future development. Any unforeseen, future activity planned by DNRC, including sale of lands for development, is subject to environmental review through the Montana Environmental Policy Act (MEPA) process, with proposals for development subject to strict review by the State Board of Land Commissioners. DNRC is open to authorizing conservation easements and licenses for development rights to protect important areas.
- DNRC recently developed a statewide Habitat Conservation Plan (HCP) (draft under public review) that would, ultimately, provide DNRC reasonable assurances for long-term compliance with the ESA while continuing to conduct forest management activities on state trust lands (DNRC 2009). DNRC lands that surround the Lolo NF parcels proposed for exchange in the Slowey/Fourmile area are proposed for inclusion in the HCP. It is DNRC’s intent to manage lands acquired through the exchange consistent with the surrounding lands, that is to include most, if not all, of the lands in an HCP (R. Beatty, pers. comm. {March 5, 2010}). If this occurs, the HCP lands would be covered by conservation measures for listed species and allow for adequate protection under the ESA (R. Beatty, DNRC, pers. comm. {March 15, 2010}). If the DNRC manages these tracts for timber, there may be some reduction in cover and security, however; the impacts are currently unknown and impossible to predict. Traditional timber management would not likely appreciably increase the potential for conflicts with humans.
- There are other, more intact potential linkage zones just to the west of this area. The Boyd Mountain potential linkage zone, located west of St. Regis, has the highest percentage of FS ownership of the five potential linkage zones discussed in this analysis. The Lolo NF will acquire approximately 1,753 additional acres in this potential linkage zone in this exchange which will bring almost the entire zone into NF ownership allowing greater federal control of this area (EA page 1-5 to 1-6 (Boyd 16, 18, and 20 and Two Mile) and Appendix A Map 7).
- The Slowey/Fourmile area provides the lowest quality linkage habitat because lands adjacent to I-90 are dominated by private ownership, and there are no conservation easements or other mechanisms in place to maintain linkage across these private lands.

Table 1 Comparison of the Effects of the Alternatives on the Key Issues

Issue	Alternative 1 (No Action)	Alternative 4 (Selected Alternative)	Alternative 4a (Action)
Effects to Access	No change to current access or travel management	Implementation would result in a 16.98 mile net reduction of roads on the Lolo NF Increase access to Lolo NF recreation areas and river frontage	Implementation would result in a 20.58 mile net reduction of roads on the Lolo NF Increase access to Lolo NF recreation areas and river frontage
Wildlife Linkage Zones and Corridors	No change to land ownership pattern	May slightly decrease the quality based on possible increase in future timber harvest	No overall impact on habitat quality in linkage zones
Threatened and Endangered Species	No Effect No change from current condition	Bald Eagle = Beneficial Effect Gray Wolf = No Effect Grizzly Bear = May Affect, Not likely to Adversely Affect Canada Lynx = Beneficial Effect Bull Trout = Not likely to Adversely Affect	Bald Eagle = Beneficial Effect Gray Wolf = No Effect Grizzly Bear = No Effect Canada Lynx = Beneficial Effect Bull Trout = Not likely to Adversely Affect
Wetlands and Floodplains	No change from existing condition	A net gain to the Lolo NF of approximately 3 wetland acres, 154 floodplain acres, and 19.6 stream miles.	A net gain to the Lolo NF of approximately wetland 0.2 acres, 130 floodplain acres, and 18.5 stream miles.
Heritage Resources	No Change	No Effect to significant historic resources	No Effect to significant historic resources
Old Growth	No change to current stand composition, acres, quality or location	Results in the Lolo NF acquiring 53 stands (approx. 2,042 acres) that may be existing or potential old growth. Results in DNRC acquiring 18 stands (approx. 735 acres) of existing or potential old growth.	Results in the Lolo NF acquiring 53 stands (approx. 2,042 acres) that may be existing or potential old growth. Results in DNRC acquiring 18 stands (approx. 735 acres) of existing or potential old growth.
Economics County Administration	No Change	Would result in a distribution shift in federal payments to counties. Community economic base would be unchanged. Reduction in road maintenance costs for the Lolo NF. Reduction in boundary survey and marking for both agencies FS =Approx. 64 miles DNRC =Approx. 60 miles Reduction in future cost to the Lolo NF for 2.5 miles of identified trail easements. Reduction in future cost to DNRC associated with acquiring road easements and road use	Would result in a distribution shift in federal payments to counties. Community economic base would be unchanged. Reduction in road maintenance costs for the Lolo NF. Reduction in boundary survey and marking by both agencies FS =Approx. 62 miles DNRC = Approx. 60 miles Reduction in future cost to the Lolo NF for 2.5 miles of identified trail easements. Reduction in future cost to DNRC associated with acquiring road easements and road use permits.

Issue	Alternative 1 (No Action)	Alternative 4 (Selected Alternative)	Alternative 4a (Action)
		permits. Reduces inefficiencies to both agencies of managing isolated or intermingled parcels. The agencies combined would realize an administrative savings of approximately \$1,540,000.	Reduces inefficiencies to both agencies of managing isolated or intermingled parcels. The agencies combined would realize an administrative savings of approximately \$1,540,000.

III. DECISION AND RATIONALE

SCOPE OF THE DECISION

While environmental effects have been disclosed for past, present, and reasonably foreseeable actions, the scope of this decision is limited to whether the proposed land exchange described below will be completed. This is a site-specific decision and it does not preclude the need for future decisions to help meet the desired conditions for the parcels in the exchange.

DECISION

Based upon our review of all alternatives in the EA and consideration of information received during both the EA comment period and DNRC public hearings, we have decided to select and implement Alternative 4 with the balancing adjustment of the Lolo NF retaining 2 parcels (Houle Creek and Graham Mtn. 15). The exchange decision was balanced based on equal market value as determined by appraisals of the state and federal properties to equalize value. Alternative 4 includes exchanging 37 parcels totaling approximately 10,530 acres of federal land located in Mineral, Missoula, Powell, Sanders and Lincoln Counties, Montana (see Table 2-Federal Lands) for 37 parcels totaling approximately 12,138 acres of non-federal land in Mineral, Granite, Missoula, Powell and Sanders Counties owned by the state of Montana (see Table 3-Non-federal Lands). The acreage of the parcels contained in Tables 1-1 (Federal Lands) and 1-2 (Non-Federal Lands) of the EA have been modified slightly in the lands to be conveyed as shown in Tables 2 and 3 in this Decision Notice. The modifications affect 9 federal parcels and 11 non-federal parcels. These adjustments in acreages are the result of a change in methodology in the preparation of the legal descriptions required in order to be consistent with federal and state of Montana guidelines for land conveyances.

The mineral estate of the federal and non-federal lands will be conveyed along with the surface estate except for parcels listed in Table 4. Pursuant to the state of Montana Constitution and appropriate state statute, any state lands may be exchanged for other lands, public or private, of equal value and as near as may be of equal area. Consequently, approximately 1,331 acres of federal land and 2,934 acres of non-federal land will exchange without the mineral estate (see Table 4). This has been considered acceptable to both agencies due to the fact that the affected parcels of both federal and non-federal lands have low mineral potential and low development risk.

The Forest Service will reserve or acquire easements from DNRC for identified NF system roads and trails. DNRC will retain an interest or acquire easements from the Lolo NF for identified forest roads. Refer to Appendix E, Access Summary and Acceptance Document for listing of “access action required” by parcel.

The Lolo NF will acquire easements on five recreational trails on DNRC lands outside of the DNRC lands which will be acquired through this exchange. Easements that will be conveyed on the Up-Up and Cook Mountain trails will be limited to non-motorized uses.

The appraisal of the federal parcels (Table 2) and the non-federal parcels (Table 3) have a date of valuation of July 6, 2009. The appraisals were completed in accordance with the Uniform Standards for Professional Appraisal Practice (USPAP) and Uniform Appraisal Standards for Federal Land Acquisition (USASFLA) by Montana Certified General Appraiser Lee Murray, and reviewed and approved by Forest Service Review Appraiser John P. Hickey, Montana Certified General Appraiser Warren Illi under contract with the state of Montana, and state of Montana Review Appraiser Tom Konency on February 10, 2010. The federal parcels are valued at \$18,190,000. The non-federal parcels are valued at \$18,190,000.

Table 2 Federal Lands

Parcel Name	Legal Description (Montana Principle Meridian)			Acres (more or less)
Mineral County, State of Montana				
Graham Mtn. 2	T15N, R25W	Section 2	SW $\frac{1}{4}$	160
Graham Mtn. 3	T15N, R25W,	section 3:	S $\frac{1}{2}$	320
Graham Mtn. 4	T15N, R25W,	section 4:	S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	120 ¹
Graham Mtn. 10	T15N, R25W,	section 10:	All	640
Graham Mtn. 11	T15N, R25W,	section 11:	W $\frac{1}{2}$	320
Tarkio	T15N, R25W,	section 35:	W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$	110
First Creek	T16N, R25W,	section 20:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
Graham Mtn. 33	T16N, R25W,	section 33:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
Pardee 9	T17N, R26W,	section 9:	S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	240 ²

Parcel Name	Legal Description (Montana Principle Meridian)			Acres (more or less)
Pardee 10	T17N, R26W,	section 10:	NE¼, NE¼NW¼, S½NW¼	280
Pardee 11	T17N, R26W,	section 11:	W1/2	320
Pardee 14	T17N, R26W,	section 14:	Lots 3-5, SW¼SW¼	127.20
Pardee 15	T17N, R26W,	section 15:	NE¼NE¼, W½NW¼, SE¼NW¼, S½	480
Fourmile 5	T17N, R27W,	section 5:	Lots 1-3, and 6, SE¼NE¼	205.26
Fourmile 9	T17N, R27W	section 9:	All	640
Fourmile 10	T17N, R27W	section 10:	Lots 1-4, N½N½	331.48
Mill Creek 21	T18N, R27W,	section 21:	All	640
Mill Creek 22	T18N, R27W,	section 22:	NW¼	160
Burr Saddle	T18N, R27W,	section 27:	W½	320
St.Regis Beacon 28	T18N, R27W,	section 28:	W½	320
St.Regis Beacon 29	T18N, R27W,	section 29:	Lots 1-4, E½NE¼, W½, E½SE¼	611.96
Fourmile 33	T18N, R27W,	section 33:	E½	320 ³
Fourmile 34	T18N, R27W,	section 34:	Lots 1-12	425.47
Fourmile 35	T18N, R27W,	section 35:	All	639.08
North DeBorgia	T19N, R29W,	section 19:	SE¼NE¼, SE¼	200 ⁴
South DeBorgia 31	T19N, R29W,	section 31:	Lot 1	36.58 ⁵
Haugan 15	T19N, R30W,	section 15:	N½NW¼, SE¼NW¼	120
Haugan 16	T19N, R30W,	section 16:	SE¼SW¼, NE¼SE¼	80 ⁶
Haugan 17	T19N, R30W,	section 17:	NE¼NE¼	40 ⁷
South DeBorgia 35	T19N, R30W,	section 35:	N½	320

Parcel Name	Legal Description (Montana Principle Meridian)			Acres (more or less)
Missoula County, State of Montana				
Deer Creek	T12N, R18W,	section 18:	E½	320
Seeley 17	T17N, R15W,	section 17	An irregular tract of land NE of the Hwy 83 centerline in the SE¼ (survey being completed)	3.25 ⁸
Powell County, State of Montana				
Seeley Airport	T17N, R15W,	section 36:	W½NE¼	80.07
Sanders and Lincoln Counties, State of Montana				
Calico 10	T22N, R27W,	section 10:	SW¼NW¼, NE¼SW¼, S½SW¼	160
Deerhorn	T23N, R27W,	section 32:	SE¼NE¼, SE¼SW¼	80 ⁹
Whitney 12	T25N, R28W,	section 12:	All	640
Whitney 2	T25N, R28W,	section 2:	All, approximately 40 acres on Kootenai NF (Lincoln Co)	640
Total Acres				10,530 ¹⁰

¹This is a change from 120.44 in the EA. ²This is a change from 239.34 in the EA. ³This is a change from 324.06 in the EA. ⁴This is a change from 198.43 in the EA. ⁵This is a change from 37.37 in the EA. ⁶This is a change from 79.98 in the EA. ⁷This is a change from 40.19 in the EA. ⁸This is a change from <5 in the EA. ⁹This is a change from 80.66 in the EA. ¹⁰This is a change from 10,536 in the EA.

Refer to Appendix F for a listing and disposition of encumbrances on the federal lands being exchanged. Refer to Appendix G for summary of water rights and the recommended disposition of each. The United States reserves the following:

1. Reserving to the United States a right-of-way thereon for ditches or canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).
2. Reserving Identified Forest system roads and trails as listed in Appendix E

Table 3 Non-Federal Lands

Parcel Name	Legal Description (Montana Principle Meridian)			Acres (more or less)
Mineral County, State of Montana				
Needle Peak	T14N, R25W,	section 34:	NW¼	160
Johnson Gulch	T17N, R26W,	section 36:	All	640
Marble Creek	T17N, R27W,	section 16:	SW¼SE¼, S½SW¼	120 ¹¹
Cutoff 10	T18N, R27W.	section 10:	Lots 3 and 4	41.49
Cutoff 12	T18N, R27W,	section 12:	Lots 1-6 inclusive, S½NE¼, EXCEPT a strip of land 200 feet in width, being 100 feet wide on each side of the centerline of the new main track of the Northern Pacific Railway Company, as the same is now located, per February 4, 1907 state of Montana Patent No. 848 pg 123, being 7.32 acres more or less.	202.52
Mayo 18	T18N, R27W,	section 18:	Lot 1, N½NE¼, NE¼NW¼	156.01
Mayo12	T18N, R28W,	section 12:	N½, SW¼	480
Boyd 16	T18N, R28W,	section 16:	N½, NW¼SW¼, NW¼SE¼, S½SW¼, S½SE¼	560
Boyd 18	T18N, R28W,	section 18:	Lots 1,2,3,4, N½NE¼, SW¼NE¼, E½NW¼, E½SW¼, W½SE¼, NE¼SE¼	551.84 ¹²
Boyd 20	T18N, R28W.	section 20:	N½NE¼, N½NW¼, SE¼NE¼, N½SW¼, N½SE¼	360
Two mile	T8N, R28W,	section 30:	Lots 3, 4, E½SW¼, SE¼	316.92
Cold Peak	T18N, R28W,	section 36:	NE¼SW¼, NE¼SE¼	80
Granite County, State of Montana				
Colma Gulch	T11N, R16W,	section 16:	All	640

Missoula County, State of Montana				
Rock Creek	T11N, R17W,	section 36:	All	640
Pattee Canyon	T12N, R19W,	section 12:	S½SW¼, S½SE¼	160 ¹³
Lolo Creek	T12N, R22W,	section 36:	S½NE¼, SW¼NW¼, S½	440 ¹⁴
Crazy Canyon	T13N, R19W,	section 36:	Lots 1 to 9 inclusive, NW¼NE¼, N½NW¼	378.03
Black Mtn	T13N, R21W,	section 16:	S½SE¼	80 ¹⁵
Deep Creek	T13N, R21W,	section 20:	NW¼NE¼, N½NW¼, SW¼NW¼	160
Gus Creek	T13N, R23W,	section 16:	N½	320
Snowbowl Road	T14N, R19W,	section 4:	E½SW¼, SW¼SW¼, W½SE¼	200 ¹⁶
Rattlesnake	T14N, R19W,	section 14:	S½NE¼, W½, SE¼	560
Grant Creek	T14N, R19W,	section 16:	W½, N½NE¼, SW¼NE¼	440
Peppard	T14N, R22W,	section 16:	All	640
Sawmill	T14N, R23W,	section 16:	All	640
Sixmile 2	T15N, R22W,	section 2:	Lots 1,2, S½ NE¼, SE¼NW¼	201.99 ¹⁷
Corral Creek	T15N, R22W,	section 36:	S½ NE¼, S½NW¼, S½	480
Stark Creek	T15N, R23W,	section 2:	W½NW¼, SW¼, W½SE¼	320 ¹⁸
Cottonwood Lakes	T16N, R14W,	section 2:	Lot 2, SW¼NE¼, SE¼SE¼	122.47
Butler Creek	T16N, R23W,	section 24:	SE¼	160
Powell County, State of Montana				
Monture	T16N, R13W,	section 26:	NE¼SE¼	40

Sanders County, State of Montana				
Quinn	T18N, R25W,	section 16:	Lot 2, NE¼, NE¼NW¼, SE¼NW¼	240.04 ¹⁹
Cutoff 6	T18N, R26W,	section 6:	Lots 3 and 4. EXCEPT a strip of land 200 feet in width, being 100 feet wide on each side of the centerline of the main track of the Northern Pacific Railway Company, as the same is now located, per August 8, 1907 state of Montana Patent No. 1111 being 5.32 acres more or less.	64.26 ²⁰
Patrick Creek	T18N, R26W,	section 10:	SW¼NW¼, SW¼, SW¼SE¼	240 ²¹
Cutoff 16	T18N, R26W,	section 16:	Lots 1-3, SW¼NE¼, W½, SE¼, EXCEPT a strip of land 200 feet in width, being 100 feet wide on each side of the centerline of the new main track of the Northern Pacific Railway Company, as the same is now located, per February 4, 1907 state of Montana Patent No. 848 pg, 123 being 3.63 acres more or less	622.16
Cube Iron Mtn	T22N, R29W,	section 16:	NW¼NW¼	40
Ashley Creek	T22N, R29W,	section 36:	All	640
Total Acres				12,138 ²²

¹¹This is a change from 116.52 in the EA. ¹²This is a change from 551.67 in the EA. ¹³This is a change from 162.18 in the EA. ¹⁴This is a change from 440.82 in the EA. ¹⁵This is a change from 80.66 in the EA. ¹⁶This is a change from 197.53 in the EA. ¹⁷This is a change from 200.02 in the EA. ¹⁸This is a change from 320.1 in the EA. ¹⁹This is a change from 240.07 in the EA. ²⁰This is a change from 64.71 in the EA. ²¹This is a change from 229.8 in the EA. ²²This is a change from 12,124 in the EA.

Refer to Appendix H for listing and disposition of encumbrances on the non-federal lands being exchanged. Refer to Appendix G for summary of water rights and the recommended disposition of each. The state of Montana reserves the following:

1. Roads outlined in Appendix E.
2. Mineral, oil and gas rights listed in Table 4 (below).

Table 4 Mineral Estates (includes oil and gas) Not Being Exchanged

Parcel Name	Legal Description (Mineral County, Montana Principle Meridian)			Acres
Forest Service Parcels With Mineral Estates Outstanding To A Third Party				
Fourmile 10	T17N, R27W,	section 10	Lots 1-4, N1/2NE1/4, N1/2NW1/4	331.48
Graham Mtn 10 Graham Mtn 2	T15N, R25W,	section 10 section 2	All W1/2SW1/4,SE1/4SW1/4	640.00 120
St.Regis Beacon 28	T18N, R27W	section 28	N1/2NW1/4,S1/2SW1/4	160
Haugan 16	T19N, R30W	section 16	SE1/4SW1/4,NE1/4SE1/4	80.00
Total				1331.48
DNRC Parcels With Mineral Estates Being Reserved by the State of Montana				
Johnson Creek	T17N, R26W,	section 36	All	640.0
Marble Creek	T17N, R27W	section 16	SW1/4SE1/4,S1/2SW1/4	120.0
Mayo 18	T18N, R27W	section 18	Lot 1, N1/2NE1/4,NE1/4NW1/4	156.01
Mayo 12	T18N, R28W	section 12	N1/2,SW1/4	480.00
Corral Creek	T 15N R22W	section 36	S½NE¼, S½NW¼,S½	480.00
Crazy Canyon	T13N R19W	section 36	Lots 1-9 inclusive, NW¼NE¼,N½NW¼	378.03
Monture	T16N R13W	section 26	NE¼SE¼	40.00
Peppard	T14N R22W	section 16	All	640.00
Total				2934.04

As part of this decision, DNRC has committed to the following actions following completion of this exchange:

- By letter to the Lolo NF dated May 30, 2005, DNRC has committed to recording and marking known populations of Clustered Lady-slipper on the federal lands acquired, will comply

with the Administrative Rules of Montana for sensitive species and forest management activities, and would not conduct any management activities within these known sites until additional field surveys and/or consultation with qualified professionals is undertaken.

- DNRC has committed to coordinate with the Montana State Historic Preservation Officer regarding management activities occurring on or around the Brown’s Cutoff of the Mullan Road.

NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLANS

Only those land exchange proposals that are consistent with land and resource management plans may be considered. The Lolo NF Forest Plan (Appendix I, pages I-1 and I-2 (1986)) provides guidance for land ownership adjustments. The identified federal parcels lie within numerous Management Areas (MAs). While MAs are not listed in the Lolo NF Forest Plan for the non-federal parcels, the parcels have been reviewed and MA assignments made to facilitate this analysis. In accordance with exchange regulations 36 CFR 254.3(f) lands acquired by exchange that are located within areas having an administrative designation established through the land management planning process shall automatically become part of the area within which they are located without further action by the Forest Service, and shall be managed in accordance with the laws, rules, and regulations and land and resource management plan applicable to such area.

The Lolo NF was in the process of revising its Forest Plan when the DNRC-Lolo Land Exchange EA was completed. Forest Plan revision work has been deferred pending a new planning rule. Tables 5 and 6 display the MA allocation for the current Lolo NF Forest Plan (1986). Descriptions of these MAs are contained in EA Appendix I.

This exchange will comply with standards associated with MA in the Ashley Creek Municipal Watershed.

Table 5 Management Areas for Current Federal Parcels

Parcel Name	MA (Existing FP)
Deer Creek	16
Graham Mtn2	18,19
Graham Mtn3	25,19
Graham Mtn4	19
Graham Mtn10	16,18,22,23
Graham Mtn11	16,18
Tarkio	23

Parcel Name	MA (Existing FP)
First Creek	19
Graham Mtn33	23
Seeley Airport	25
Seeley 17	9
Pardee 9	13,18
Pardee 10	13
Pardee 11	5,13,16,21
Pardee 14	13,19
Pardee 15	16,18,21
Fourmile 5	13,24
Fourmile 9	22,23
Fourmile 10	14,23
Mill Creek 21	14,23
Mill Creek 22	14,18
Burr Saddle	16,18
St. Regis Beacon 28	14,19,23
St. Regis Beacon 29	14,19,23
Fourmile 33	14,18,23
Fourmile 34	14,16
Fourmile 34	14,16
Fourmile 35	14,16,18
North DeBorgia	13,16,18
South DeBorgia 31	22
Haugan 15	13,16
Haugan16	13,23
Haugen 17	13,25

Parcel Name	MA (Existing FP)
South DeBorgia 35	13,16,24,25
Calico 10	16
Deerhorn	13
Whitney 12	13,16,25
Whitney 2	13,16

Table 6 Potential MA Designation for DNRC Parcels to be Acquired by the Lolo NF

Parcel Name	Potential MA (Existing FP)
Colma Gulch	5,13,16,19,25
Rock Creek	13,27
Pattee Canyon	9
Lolo Creek	23,25
Crazy Canyon	9,13
Black Mtn	16,17
Deep Creek	13,16
Gus Creek	13,16
Snowbowl Road	13,23,25
Rattlesnake	28
Grant Creek	5,13,18,23
Peppard	13,19,25,27
Sawmill	13,18
Needle Peak	13,18
Sixmile 2	13,18,23
Corral Creek	14,27
Stark Creek	13,23

Parcel Name	Potential MA (Existing FP)
Monture	25
Cottonwood Lakes	16,27
Butler Creek	14,18
Johnson Gulch	13,18,27
Marble Creek	13,23
Quinn	13,27
Cutoff 6	13,22
Patrick Creek	13,19
Cutoff 16	9
Cutoff 10	14,22
Cutoff 12	13,14,22
Mayo 18	13,23
Mayo12	13,23
Boyd 16	13,16,18
Boyd 18	13,18,23
Boyd 20	13,22,23
Twomile	13,18
Cold Peak	13,23
Cube Iron Mtn	13,20a
Ashley Creek	13,20
Sunrise	16,23

RATIONALE FOR DECISION

The criteria used in making this decision were:

- How well the alternatives responded to the issues identified during scoping and addressed in the DNRC-Lolo Land Exchange EA issued in October 2006
- Consideration of how well the alternatives met the purpose and need for action
- A review and consideration of public comment on the EA

The alternatives not given detailed study in the EA were also reviewed, which helped ensure that the interdisciplinary team had considered a thorough and complete range of alternatives.

Public comment was reviewed and is addressed in Appendix B: Response to Comments. There were no new issues or concerns raised; all points brought forward were considered in the EA. Area tribes were notified about the exchange and provided comment, which was considered. The discussion in the EA concerning taxes and public services, including costs to the agencies was reviewed, which allowed us to consider administrative costs of concluding the proposed land exchange. The land appraisal reports were also reviewed to understand the land values and how they were determined.

We believe our selection of Alternative 4 (as modified) meets the project purpose and need as stated on EA pages 1-2 through 1-3 and addresses the issues identified during the scoping process. The Selected Alternative provides the best balance of addressing environmental concerns, social issues, and public comments while complying with all applicable laws and regulations.

Following are the key issues and a discussion of how the Selected Alternative addresses them.

Issue #1 – There are concerns over how access could change related to the exchange, including public river access, access for recreation, agency access and potential for additional road restrictions.

The EA evaluated the potential effects of the proposed land exchange and the No Action Alternative on road, trail, and river access for administrative and public use including recreation for both agencies. Road travel restrictions, road miles and road standards were addressed. The Selected Alternative addresses this issue by increasing access to Lolo NF recreation areas and river frontage (EA p. 2-8). It would not close or decommission any existing National Forest System (NFS) or DNRC roads (EA p. 3-4). Approximately 37% of the roads on Lolo NF lands to be exchanged will be retained as NFS roads through reservation or easement for access rights after the exchange. The remainder of the identified NFS roads will be conveyed to DNRC outright with no interest being retained by the federal government (EA p. 3-4).

DNRC roads that will be acquired by the Lolo NF will become NFS roads and will be managed under their existing wheeled motorized-use restriction level if applicable. Where seasonal restrictions

exist but dates of the restriction are currently different than the Lolo NF standard dates, adjustment may be made to allow for consistent road management (EA p. 3-4). The Lolo NF will acquire easements on five recreational trails on DNRC lands outside of the DNRC lands which will be acquired through this exchange. Easements that will be conveyed on the Up-Up and Cook Mountain trails will be limited to non-motorized uses.

Issue #2 – Concerns regarding the protection of primary wildlife linkage zones along the I-90 corridor were raised.

The EA evaluated the potential effects of the proposed land exchange and the No Action Alternative on the quality of five potential linkage zones modeled by Servheen et al. (2004) along I-90 in Mineral County. The land exchange will have no direct or indirect impact on landscape linkage or on the quality of the potential linkage zones. All lands would remain under public ownership, with future planned activities subject to environmental review.

The areas identified in the analysis were: Saltese/Haugan, Boyd Mountain, Slowey/Fourmile, Quartz, and Tarkio (Wildlife Specialist Report, p. 60 – 62 and Biological Assessment). In the Saltese/Haugan and Quartz areas, none of the Lolo NF land directly adjacent to I-90 is proposed for exchange. In fact, a large contiguous block of Forest Service land adjacent to I-90 for about 3 miles would remain under federal ownership in the Saltese/Haugan area.

The Tarkio area is primarily comprised of DNRC and private land. While a small, 110-acre Lolo NF parcel is included in the exchange, there is already a new subdivision on private land in the area and another is proposed on a tract that Plum Creek Timber Company recently sold.

While the Selected Alternative includes the disposal of Lolo NF parcels in the Slowey/Fourmile area, this area is not within any grizzly bear recovery area and is not within occupied grizzly bear habitat.

The Boyd Mountain linkage zone has the highest percent of Lolo NF ownership of the five linkage zones addressed in this analysis. In the Selected Alternative, the Lolo NF will acquire about 1,753 additional acres in this linkage zone which will bring almost the entire linkage zone into federal ownership allowing greater control of this zone (EA page 1-5 to 1-6 (Boyd 16, 18, and 20 and Two Mile) and Appendix A Map 7)

Of note, the Nature Conservancy acquired 40,945 acres of important wildlife linkage habitat in the Fish Creek drainage that will preserve wildlife linkage across I-90 in the Tarkio area. The State Department of Fish, Wildlife, and Parks has purchased these lands and has drafted a Management Plan that addresses wildlife linkage as one of the highest priorities for protection.

Issue #3 – Concerns over how Threatened and Endangered species (TES) habitat would be affected including Grizzly Bear habitat.

The EA evaluated the potential effects of the proposed land exchange and the No Action Alternative on TES wildlife, fish and plant species including cumulative effects and consultation with the U.S.

Fish and Wildlife Service (USFWS). The Selected Alternative will have a beneficial effect to Bald Eagle and Lynx, No Effect for Gray Wolf, a “May Affect, Not Likely to Adversely Affect” call for Grizzly Bear [April 15, 2010], and Not Likely to Adversely Affect Bull trout (November 9, 2004).

The Selected Alternative addresses effects on grizzly bear habitat by increasing the acreage and quality of grizzly bear habitat within the Cabinet Yaak Ecosystem (CYE) on National Forest System lands, and producing a beneficial effect within the recovery area. While exchanging parcels in the Quartz and Slowey/Fourmile potential linkage zones could result in possible habitat declines, the Selected Alternative will improve the quality of the Boyd Mountain potential linkage zone which will have the highest percentage of federal ownership of the five potential linkage zones discussed in this analysis allowing greater control of this area (EA p. 1-5 to 1-6 and EA p. 3-9).

Although the Selected Alternative includes disposing of 240 acres of federal land in a potential linkage zone, this isolated roaded area is outside of the CYE recovery area. In the context of grizzly bear security, federal acquisition of 680 unroaded acres within the recovery area outweighs the effects of the land disposal.

In February 2009, after the analysis for Canada lynx was completed for this land exchange, the U.S. Fish and Wildlife Service revised the critical habitat designated for Canada lynx. The Selected Alternative will result in disposal of one federal parcel within the new critical habitat boundary but four parcels will be conveyed by DNRC. This will result in a net gain of lynx critical habitat on federal lands. This gain in critical habitat does not alter the determination of a beneficial effect for lynx in both action alternatives.

Issue #4 – The Forest Service is required to follow applicable Executive Orders for land exchanges.

The EA evaluated the potential effects of the proposed land exchange and the No Action Alternative on acres of wetlands and floodplains as required under Executive Orders 11988 and 11990. The Selected Alternative will result in a net gain of approximately 3.3 acres of wetlands to the Lolo NF, 154.4 floodplain acres, and 19.6 stream miles (Project File).

Issue #5 – Concerns were raised on how Heritage Resources would be protected.

The EA evaluated the potential effects of the proposed land exchange and the No Action Alternative on heritage resources. Tribal issues and consultation with the Confederated Salish and Kootenai Tribes (CSKT) and State Historic Preservation Office (SHPO) was included.

It is the DNRC’s position that the Selected Alternative will have No Effect to any significant heritage properties. The MTSHPO concurred with DNRC in a letter dated May 4, 2004 (EA p. 3-13).

The Lolo NF has concluded that the Selected Alternative will have No Effect to significant heritage resources. The MTSHPO concurrence letters were received by the Forest Service and dated September 13, 2004 and November 23, 2004 (EA p. 3-13).

No heritage resources believed to be important to the Salish or Kootenai tribes were located during the heritage resource inventory for the land exchange.

Issue #6 – Concerns were raised regarding the extent of Old Growth on federal parcels in the proposed exchange.

The EA evaluated the potential effects of the proposed land exchange and the No Action Alternative on old growth and potential old growth habitat. The Selected Alternative will result in the Lolo NF acquiring 53 stands (approximately 2,042 acres) that may be existing or potential old growth. The DNRC will acquire 18 stands (approximately 753 acres) of existing or potential old growth (EA p. 2-8).

Issue #7- Economic concerns were raised regarding if the proposal would impact county or community economic stability or change agency administrative costs of management.

The EA evaluated payments made to counties by both agencies. Potential changes in administrative costs associated with the proposed exchange were identified for both agencies. The Selected Alternative will result in a distribution shift in federal payments to counties. The community economic base will be unchanged. Road maintenance costs will be reduced on Lolo NF lands. Boundary survey and marking will be reduced for the Lolo NF (approximately 64 miles) and the DNRC (approximately 60 miles). There will be a reduction in the future cost to the Lolo NF for 2.5 miles of identified trail easements. The agencies combined will realize an administrative cost savings of approximately \$1,540,000.

IV. PUBLIC INVOLVEMENT

As described in the background, the project concept has been around for over twenty years. The need to move forward was realized by both agencies in 1999. The proposal to exchange land for land has been listed in the Lolo NF's Schedule of Proposed Actions since July 1, 2004. A proposal was provided to the public and other agencies for comment during a scoping period that was initiated on April 28, 2004. Twenty-five respondents initially expressed interest in this exchange proposal.

Using the comments from the public and other agencies (including tribal, non-profit groups, and county governments) the interdisciplinary team identified seven key issues regarding the proposed action. The key issues and several general topics of concern were addressed in the EA (pages 1-9 to 1-11) and were discussed in the previous section of this document. To address these concerns, the Lolo NF and DNRC crafted the alternatives described earlier in this document.

The Lolo NF and DNRC jointly requested public comments and addressed internal and external issues. The following table summarizes the public involvement efforts.

Table 7 Public Involvement for DNRC-Lolo Land Exchange

Date	Public Involvement Action
April 28, 2004	Scoping letter mailed to interested parties (from public involvement list of the Lolo NF and DNRC Southwestern Land Office). Twenty-Five respondents expressed an interest in the proposal or provided substantive comments.
April 2004 to Present	DNRC-Lolo Land Exchange listed on the Lolo NF public website with Updates www.fs.fed.us/r1/lolo .
April 29, 2004	Media News Release Available.
May 02, 2004	Proposed land exchange was reported in the Sunday edition of the <i>Missoulian</i> Newspaper.
July 01, 2004	First listed on the Lolo NF Quarterly Schedule of Proposed Actions. Listed on each quarterly schedule since.
April 05, 2005	Scoping report mailed to respondents on the proposal.
April 05, 2005	Notification of proposed exchange sent to Montana Congressional Delegation, State Legislators, County Commissioners and the State Board of Land Commissioners.
May 05, 2005	Legal notice of exchange proposal advertised soliciting public comments or objections. The advertisement was published in general circulation papers in the affected counties for four consecutive weeks with a 45-day comment period. Papers included the <i>Missoulian</i> (Lolo NF paper of record), the <i>Silver State Post</i> , <i>Clark Fork Valley Press</i> , <i>Mineral Independent</i> , <i>Sanders County Ledger</i> , <i>Philipsburg Mail</i> and <i>Northwest News</i> .
October 25, 2006	EA release and 60-day comment period (30 days required with 30 days additional)
July 9, 2007	A reply letter sent to all who had responded to or provided comments on the EA.
May 4-12, 2010	DNRC advertises and conducts public hearings on the proposed exchange as per 77-2-204 MCA.

DETERMINATION OF PUBLIC INTEREST

As required in 36 CFR 254.3 (b), we have determined that the public interest is well-served through the selection of Alternative 4.

The resource values and the public objectives served by the non-federal parcels to be acquired equal or exceed the resource values and public objectives served by the federal parcels to be conveyed. This exchange achieves improved management of federal lands by consolidating ownership, improves access to state and federal lands, provides for the needs of state and local

residents by improving recreational opportunities in high use recreational areas on the Lolo NF, and transfers ownership of state lands with high public values that are at odds with state trust obligations to generate revenue from state ownership to federal ownership.

Our decision results in a net increase of 154 floodplain acres, and a net increase of approximately 20 stream miles coming into federal ownership. The net gain to stream and floodplain quantities under federal jurisdiction results in greater protection of all surface and groundwater resources. Additionally, direction contained in Executive Order 11988 is met through the net gain of 3.3 acres of wetlands into federal ownership. The Lolo NF will acquire wetlands in the Corral Creek, Patrick Creek, and Monture parcels that contribute to the regional hydrography or have minimal wetlands on adjacent National Forest System lands.

Our decision results in positive fish and water resource gains for the Lolo NF. The Forest will acquire some key pieces of direct fish production habitat included in the following parcels: Rock Creek, West Fork Fish, Clark Fork Cutoff 6 and 12, Butler Creek, Sixmile, Lolo Creek and Johnson. All of these are known fish producers with either restoration or conservation potential (EA p. 3-10). The Lolo NF gives up stream segments along Nemote and Pardee Creeks, which are both face watersheds to the middle Clark Fork. These parcels contain fish production segments of concern, but their relative importance for native fish production is less than what will be acquired by the Lolo NF. The U.S. Fish and Wildlife has concurred with a finding of "Not Likely to Adversely Affect" Bull trout (EA p. 3-9)(Project File, USFWS letter of concurrence dated November 11, 2004).

Our decision may effect, is not likely to adversely affect populations of grizzly bears on the Lolo NF. U.S. Fish and Wildlife Service has concurred with this finding (Project File, USFWS letter of concurrence dated April 15, 2010). This exchange will increase the amount of security core habitat (by 680 acres) on National Forest System lands within the CYE grizzly bear recovery zone that is expected to benefit grizzly bears in the long term. These benefits far outweigh any unforeseen impacts associated with moving three, relatively small, isolated, roaded parcels located on the edge of the CYE into state ownership. The Lolo NF portion of the CYE is currently not known to be occupied by grizzly bear.

Outside of the recovery areas and outside the occupied distribution area of grizzly bears, the land exchange will have no direct or indirect impacts on landscape linkage or on the quality of five modeled, potential linkage zones. The parcels that will be transferred to the state have experienced past timber harvest, and associated road building and use. None of these activities are planned in the foreseeable future. It is the intent of the state to include most of the exchange lands in a Habitat Conservation Plan (HCP). If this occurs, conservation measures for listed species on HCP lands would allow for adequate protection under the Endangered Species Act. Any unforeseen forest management activities on all of the exchanged parcels would be subject to the environmental review processes in place for the two agencies.

Lands that will be transferred from the Lolo NF to the DNRC have a “low” to “medium” potential for future development. No development is planned in the foreseeable future. Any unforeseen future development plans would be subject to environmental review under MEPA and approval by the State Board of Land Commissioners.

Our decision will result in a beneficial effect to Bald Eagle and Lynx, and no effect for Gray Wolf. The Selected Alternative will have no impact to all other identified Threatened, Endangered and Sensitive Species (EA p. 3-8).

Our decision will improve recreational opportunities in several key locations on the Lolo NF. Open space in the Missoula area in Pattee Canyon and in the Rattlesnake Recreation Area will be enhanced through the acquisition of two parcels of state land in these highly-used recreation areas (EA p. 3-6). This meets Lolo NF Forest Plan Goal #3 which states that the Forest will “provide for a broad spectrum of dispersed recreation involving sufficient acreage to maintain a low user density compatible with public expectations”. The acquisition of access rights on five trails will improve recreation opportunities for hunting, fishing, hiking and camping (EA p. 3-6 and Appendix E p. 8).

There will be a net loss of approximately 488 acres of lands with a Lolo NF Forest Plan Visual Quality Objective (VQO) of Partial Retention. The Lolo NF will gain approximately 529 acres of lands that will qualify for the more restrictive VQO of Retention. Much of the 529 acres are located along Highway 135 and the Cutoff Scenic Byway. This positive gain will allow for a more consolidated management of the scenery on these parcels of land (EA p. 3-18).

Our decision will result in the Lolo NF acquiring more potential old growth or existing old growth than it disposes of based on: (1) there has been relatively little timber harvest on the non-federal parcels compared to the federal parcels that will be transferred to the state; (2) the distribution of size classes, which results in the Lolo NF gaining stands with large trees; and (3) the distribution of relatively undisturbed parcels across the Forest (EA p. 3-15).

Our decision results in a reduction of approximately 17 miles of roads on the Lolo NF and an increase in access to river frontage.

Our decision will result in federal acquisition of two parcels within the Cube-Iron-Silcox Inventoried Roadless Area. No federal lands in Inventoried Roadless Areas would be disposed of in this exchange (EA p. 3-2).

Our decision results in the consolidation of scattered state lands into larger, more manageable blocks. These lands will be managed by the state for the trust beneficiaries of the state of Montana. The transfer of approximately 3,000 acres of lands which are costly or very difficult to manage for the trust beneficiaries out of state ownership will meet the needs of the state to better manage lands for these trust beneficiaries (EA p. 3-21).

Our decision will result in administrative savings to the Lolo NF in easement acquisition/grants and property boundary administration. A reduction of 64 miles of boundary will result in a long term savings of approximately \$640,000 based upon an average current cost of approximately \$10,000 per mile (this has been updated since the EA was written; at that time the cost was \$6,500/mile EA p. 3-22). Reducing the intermingled ownership pattern will allow for more efficient land management and provide use of natural landscape features rather than property boundaries for planning future resource management activities including fuels treatment and prescribed burning projects.

The intended use of the federal land to be conveyed will not substantially conflict with established management objectives on adjacent federal lands, including Indian Trust Lands.

V. FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the DNRC-Lolo Land Exchange EA (2006) and with consideration of all public comments (Appendix B), we have determined that our Decision will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. We base our finding on the following:

CONTEXT

Although there are parcels being exchanged throughout the Lolo NF, the actions at one site are not connected to the other sites, other than through gross market value to equalize the exchange values. The implications are for the areas immediately surrounding the individual parcels. The actions occurring at First Creek, for example will not influence actions at Burr Saddle. An effort has been made to maintain a balance of public versus private land ownership values within exchange areas, but this does not influence actions proposed at other parcels in the state.

INTENSITY

1. **Impacts that may be both beneficial and adverse.** Our finding of no significant effect on the quality of the human environment is not biased by the beneficial effects of the action. We fully considered the effects of the Selected Alternative both potentially adverse and beneficial. This decision will meet the purpose and need, and the desired condition for each of the issues and comments identified in Chapter 2 of the EA, as well as meet the intent of the Goals and Objectives outlined in the Lolo NF Forest Plan and DNRC trust land management direction and state law. Beneficial and adverse impacts of this decision are addressed in Chapters 3 and 4 of the EA. No significant impacts were identified.
2. **The degree to which the Selected Alternative affects public health or safety.** It is our determination that there will be no significant effects on public health and safety. Both the federal and non-federal parcels in the land exchange were physically inspected in accordance with federal standards. No signs of hazardous materials were found.

Documentation of the Land Transaction Screening Process is included in the Project File (EA p. 3-20).

3. **Unique characteristics of geographic area, such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** No significant effects to unique characteristics of the area will occur. The parcels to be exchanged are not ecologically critical areas, considered prime or unique farmlands, parklands, or designated as Wild and Scenic Rivers. The Selected Alternative will result in a net gain to the Lolo NF of approximately 3.3 acres of wetlands, 154.4 floodplain acres, and 19.6 stream miles (Project File).

No habitat for Threatened plant species occurs in or near the land exchange parcels and no federally-listed known or suspected endangered plant species or critical habitat occurs on lands managed by the Lolo NF or the DNRC in the project area. The Selected Alternative may affect individuals and habitat, but is not likely to result in a trend toward federal listing or loss of viability for:

- *Cypripedium fasciculatum* (clustered lady's-slipper), which is known to occur in the land exchange parcels
- The other Regional Forester's sensitive plant species (see EA p. 3-16) which are suspected to occur.

DNRC has committed to numerous actions to reduce the potential for impacts to clustered lady's slipper as a result of the exchange which include but are not limited to: recording and marking known populations of Clustered Lady-slipper on the federal lands acquired; complying with the Administrative Rules of Montana for sensitive species and forest management activities; and not conducting any management activities within these known sites until additional field surveys and/or consultation with qualified professionals is undertaken (Project File, DNRC letter dated May 30, 2005).

The Selected Alternative will have No Effect on significant heritage resources (EA p. 3-13).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Based on public comment and interdisciplinary analysis of the proposed action and alternatives, the effects on the human environment are not likely to be highly controversial. Scoping identified concerns regarding the effects of the exchange on Mineral County's use of the Micayune Gravel Pit located in the Graham Mountain 15 parcel proposed for exchange to the DNRC. While provisions were included in the EA for a 20-year reservation for up to 12,000 cubic yards of sand and gravel (EA p. 3-20), this parcel was dropped from the exchange and will be retained by the Lolo NF therefore addressing the county's concerns.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risk.** We have considerable experience with the types of activities to be implemented. The effect of the proposed action will be similar to the effect of other land exchanges that have been completed. There are no extraordinary circumstances in this action that will make the effects highly uncertain or involve unique or unknown risks. The comments on the EA did not reveal any new issues that were not considered in the EA.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The implementation of this decision is not precedent setting, and does not represent a precedent for any future decision. Any other proposal for the subject areas will be subject to full NEPA and MEPA disclosure.
7. **Whether the action is related to other actions with individual insignificant but cumulative significant impacts.** A cumulative effects analysis was conducted for this proposal. There are no known significant cumulative effects between this project and other known projects implemented or planned in areas separated from the affected area of this project.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historical resources.** The Heritage Resource Inventory and Montana State Historic Preservation Office (MTSHPO) concurrence documentation is contained in the Project File. In summary, the heritage resource inventory identified five heritage properties on Lolo NF lands to be conveyed to the DNRC. Four of these historic properties were recorded during previous heritage resource surveys for other proposed undertakings by the Lolo NF. One new heritage resource was recorded during the heritage resource inventory for the proposed DNRC-Lolo Land Exchange. Four of the five sites are not eligible for listing on the National Register of Historic Places. Brown's Cutoff of the Mullan Road is eligible for National Register listing. In an email message dated January 25, 2005 (Project File) the DNRC Archeologist acknowledged the Brown's cutoff as a resource of concern and committed to being involved with any ground disturbing management activities to ensure protection of this portion of the Mullan Road. In addition, based on discussion and agreement with the Lolo NF Archeologist, the DNRC Archeologist will coordinate with MTSHPO regarding management activities occurring on or around this site.

The Lolo NF will acquire two historic ditches, the north half of The Whitetail Site and a possible buried prehistoric occupation site from the DNRC in this exchange.

It is the DNRC's position that the transfer of state of Montana lands to the Lolo NF would have No Effect to any significant heritage properties. The MTSHPO concurred with DNRC in a letter dated May 4, 2004 (EA p. 3-13).

The Lolo NF has concluded that the exchange will have No Effect to significant heritage resources. The MTSHPO concurrence letters were received by the Forest Service and dated September 13, 2004 and November 23, 2004 (EA p. 3-13).

No heritage resources believed to be important to the Salish or Kootenai tribes were located during the heritage resource inventory for the land exchange.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973.** The Selected Alternative will have a Beneficial Effect to Bald Eagle and Lynx, No Effect for Gray Wolf, and a "May Affect, Not Likely to Adversely Affect" finding for Grizzly Bear [Project File, USFWS letter or concurrence dated April 15, 2010].

The U.S. Fish and Wildlife Service revised the critical habitat designated for Canada lynx after the analysis for Canada lynx was completed for this project (February 24, 2009). While one parcel within the new critical habitat boundary will go to DNRC, four parcels will become NF lands resulting in a net gain of lynx critical habitat on NF lands. This gain in critical habitat does not alter the determination of a beneficial effect for lynx in both action alternatives.

The Selected Alternative will have no impact to all other identified Threatened, Endangered and Sensitive Species (EA p. 3-8). The Selected Alternative is "Not Likely to Adversely Affect" Bull trout (EA p. 3-9) (Project File, USFWS letter of concurrence dated November 9, 2004).

Scoping identified concerns regarding the effects of the exchange on the potential grizzly bear linkage area between Missoula and St. Regis. This was addressed by developing and fully analyzing Alternative 4a, which was not selected for the reasons discussed on page 3 of this document.

10. **Whether the action threatens a violation of federal, state, and local laws or requirements imposed for the protection of the environment.** As discussed elsewhere in this document, this land exchange is in compliance with all applicable laws, regulations, and policies, and will not threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment. The Selected Alternative is in compliance with the Lolo NF Forest Plan and DNRC trust land management direction and state law, as well as the Endangered Species Act, and Executive Orders for protecting wetlands and environmental justice.

VI. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

To the best of our knowledge, this decision is in compliance with all applicable laws, regulations and policies for both the Lolo NF and the DNRC.

NATIONAL FOREST MANAGEMENT ACT AND STATE LAWS

Management area review and assessment has been completed for each resource. The proposal is consistent with Lolo NF Forest Plan management direction and federal law. The management guidelines and direction relevant to this project are summarized here:

1. Acquire all non-federal land within the boundaries of established wilderness areas.
2. Acquire all non-federal lands within other congressionally and administratively designated areas necessary to preserve or enhance the values which dictated the classification. This may require the acquisition of checkerboard lands.
3. Acquire isolated parcels or interests in isolated parcels having specific resources complimenting National Forest management.
4. All opportunities will be explored to acquire non-federal lands within the Ashley Creek watershed as outlined in MA 13, 19, 20 and 25. (Standard D-7).
5. Dispose of isolated parcels that are uneconomical to manage, with no important resources or where further consolidation is not anticipated.

Current management regulation for DNRC trust land is outlined in Title 36 of the Administrative Rules for Montana. Guidance for forest management and real estate activities are outlined in the State Forest Land Management Plan and the Real Estate Programmatic Plan. Direction for land exchange is outlined in state law, Title 77, Chapter 2, Part 2 MCA. The proposal is consistent with DNRC trust land management direction and state law.

ENVIRONMENTAL JUSTICE

Executive Order 12898, issued in 1994, ordered federal agencies to identify and address the issue of environmental justice (adverse human health and environmental effects of agency programs that disproportionately impact minority and low income populations). At this time, no minority or low-income communities have been identified in west central Montana. Executive Order 12898 also directs agencies to consider patterns of subsistence hunting and fishing when an agency action may affect fish or wildlife. The Selected Alternative will not alter opportunities for subsistence hunting and fishing by Native American tribes. Native American tribes holding treaty rights for hunting and fishing on the Lolo NF were provided the opportunity to comment on the exchange. No racial, ethnic, or socioeconomic group will be disproportionately impacted by the Selected Alternative.

ROADLESS AREA CONSERVATION

The Selected Alternative is consistent with current Forest Service policy and direction regarding management of Inventoried Roadless Areas (IRAs) as issued in Interim Directive (ID) No:1920-2006-1 under FSM 1900. Under the exchange no IRAs would be disposed of. Two parcels (Cube Iron Mountain and Ashley) are in IRAs and will be acquired by the Forest Service.

NATIONAL HISTORIC PRESERVATION ACT

The EA was prepared to meet the Lolo NF's obligations under section 106 of the National Historic Preservation Act (NHPA) as amended. Consultation with the MTSHP and the Confederated Salish and Kootenai Tribal Preservation Office was completed for the exchange. Refer to the Heritage Resources section of the EA. It was determined that exchange in the action alternatives would have No Effect to significant heritage resources. The MTSHP concurrence letters were received by the Forest Service and dated September 13, 2004 and November 23, 2004 (EA p. 3-13).

WETLANDS AND FLOODPLAINS

Executive Order 11990 instructs federal agencies to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in acquiring, managing, and disposing of federal lands and facilities. Under Executive Order 11988, federal agencies are directed to take action to reduce the risk of floodplain loss, minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains.

Assessment was completed for the Selected Alternative in accordance with Executive Order 11990 – Protection of Wetlands, and Executive Order 11988 – Floodplain Management. The Selected Alternative will result in a net gain to the Lolo NF of approximately 3.3 acres of wetlands, 154.4 floodplain acres, and 19.6 stream miles (Project File).

ENDANGERED SPECIES ACT

This proposal is in compliance with the Endangered Species Act (ESA). The Lolo NF followed the Section 7 process under ESA. It was found that the Selected Alternative will have a beneficial effect to Bald Eagle and Lynx, no effect for Gray Wolf, and a “May Affect, Not Likely to Adversely Affect” call for Grizzly Bear [Project File, USFWS letter or concurrence dated April 15, 2010]. The Selected Alternative is “Not Likely to Adversely Affect” Bull trout (EA p. 3-9) (Project File, USFWS letter of concurrence dated November 9, 2004). The Selected Alternative will have no impact to all other identified Threatened, Endangered and Sensitive Species (EA p. 3-8).

OTHERS

Authority for this exchange is the General Exchange Act of March 20, 1922, as amended (16 U.S.C. 485, 486), the Federal Land Management and Policy Act of October 21, 1976, as amended (43 U.S.C. 1715-1717), and the Federal Land Exchange Facilitation Act of August 20, 1988, as amended (U.S.C. 1716 (note), 751 note). Direction regarding land exchanges is given in the Code of Federal Regulations, Title 36, Part 254, Subpart A, 254.3

Direction for land exchange of school trust land is outlined in State law, Title 77, Chapter 2, Part 2 MCA. The proposal is consistent with DNRC trust land management direction and state law.

VII. EXPECTED IMPLEMENTATION DATE

Implementation by DNRC is subject to final approval by the Montana Board of Land Commissioners and the Forest Service 45-day appeal period. If this decision is not appealed it may be implemented on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

VIII. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR 215. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the *Missoulian*. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be mailed to:

or Hand-delivered to:

USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
P.O. Box 7669
Missoula, MT 59807

USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
200 East Broadway
Missoula, MT 59802

Office hours: 7:30 a.m. to 4:00 P.M.

Electronic appeals must be submitted to: appeals-northern-regional-office@fs.fed.us

Faxed appeals must be submitted to: (406) 329-3411

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why our decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:


- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);

- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Officials, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Officials' decision failed to consider the comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Officials and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Officials or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: http://www.fs.fed.us/r1/projects/appeal_index.shtml.

IX. FURTHER INFORMATION AND CONTACT PERSON


Detailed records of the environmental analysis are available for public review at the Lolo National Forest Supervisors Office, Bldg 24, Fort Missoula Road, Missoula, MT 59804. For additional information concerning this decision contact Jennifer Watson, Project Coordinator at the Lolo National Forest Supervisors Office, Bldg 24, Fort Missoula Road, Missoula, MT 59804 (406) 329-3742 or Bob Storer, DNRC Project Coordinator at the DNRC Southwestern Land Office, 1401 27th Ave., Missoula, MT 59804 (406) 542-4264. For information on the Forest Service appeals process, contact Tami Paulsen at (406) 329-3731.



DEBORAH L.R. AUSTIN
 Forest Supervisor
 Lolo National Forest
 USDA Forest Service

5/25/10

 Date



ANTHONY L. LIANE
 Area Manager
 SW Land Office
 State of Montana DNRC

5/27/2010

 Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

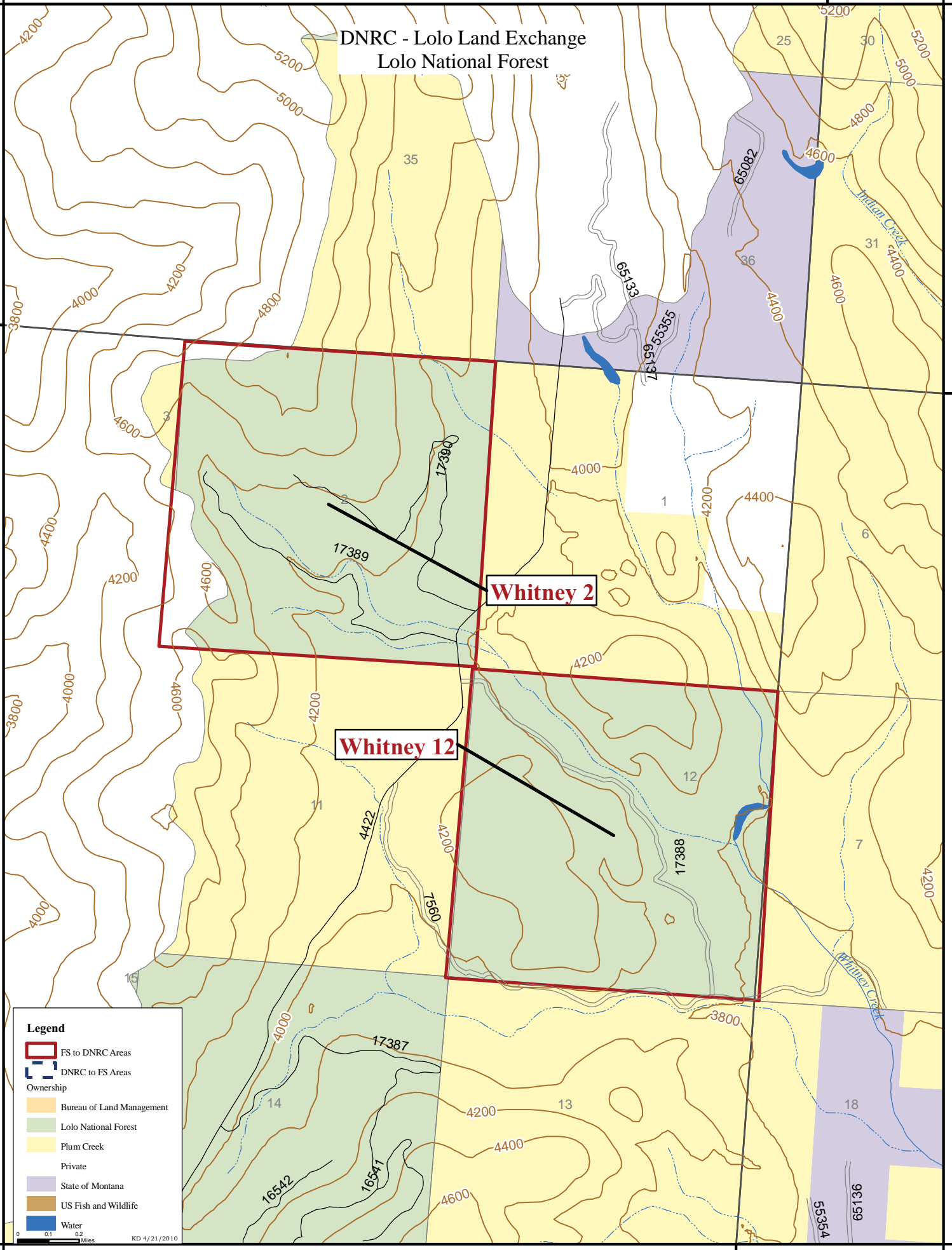
APPENDIX A – Parcel Maps

Page	Parcel Name(s)
1	Whitney 2, Whitney 12
2	Deerhorn, Calico 10
3	Cube Iron Mountain
4	Ashley Creek
5	Haugen 15, Haugen 16, Haugen 17
6	North DeBorgia, South DeBorgia 31, South Deborgia 35
7	Boyd 16, Boyd 18, Boyd 20, Two Mile
8	Cold Peak
9	Mill Creek 21, Mill Creek 22, Burr Saddle, St.Regis Beacon 28, St.Regis 29, Mayo 12, Mayo 18, Cutoff 10
10	Cutoff 6, Cutoff 12, Cutoff 16, Patrick Creek
11	Quinn
12	Fourmile 5, Fourmile 33, Fourmile 34, Fourmile 35, St. Regis 28 Regis 29, Mill Creek 21, Mill Creek 22, Cutoff 10
13	Marble Creek, Fourmile 5, Fourmile 9, Fourmile 10, Fourmile 33, Fourmile 34, Fourmile 35, St. Regis Beacon 28, St. Regis Beacon 29
14	Pardee 9, Pardee 10, Pardee 11, Pardee 14, Pardee 15
15	Johnson Gulch
16	First Creek
17	Graham Mt 2, Graham Mt. 3, Graham Mt. 4, Graham Mt. 10, Graham Mt. 11
18	Tarkio
19	Needle Peak
20	Sawmill
21	Gus Creek
22	Peppard
23	Corral Creek
24	Butler Creek, Stark Creek
25	Sixmile 2
26	Deep Creek, Black Mountain
27	Lolo Creek
28	Snowbowl Road, Grant Creek, Rattlesnake
29	Crazy Canyon, Pattee Canyon, Deer Creek
30	Colma Gulch, Rock Creek
31	Seeley Airport, Seeley 17
32	Cottonwood Lakes
33	Monture

DNRC - Lolo Land Exchange Lolo National Forest

T 26 N

T 25 N



Whitney 2

Whitney 12

Legend

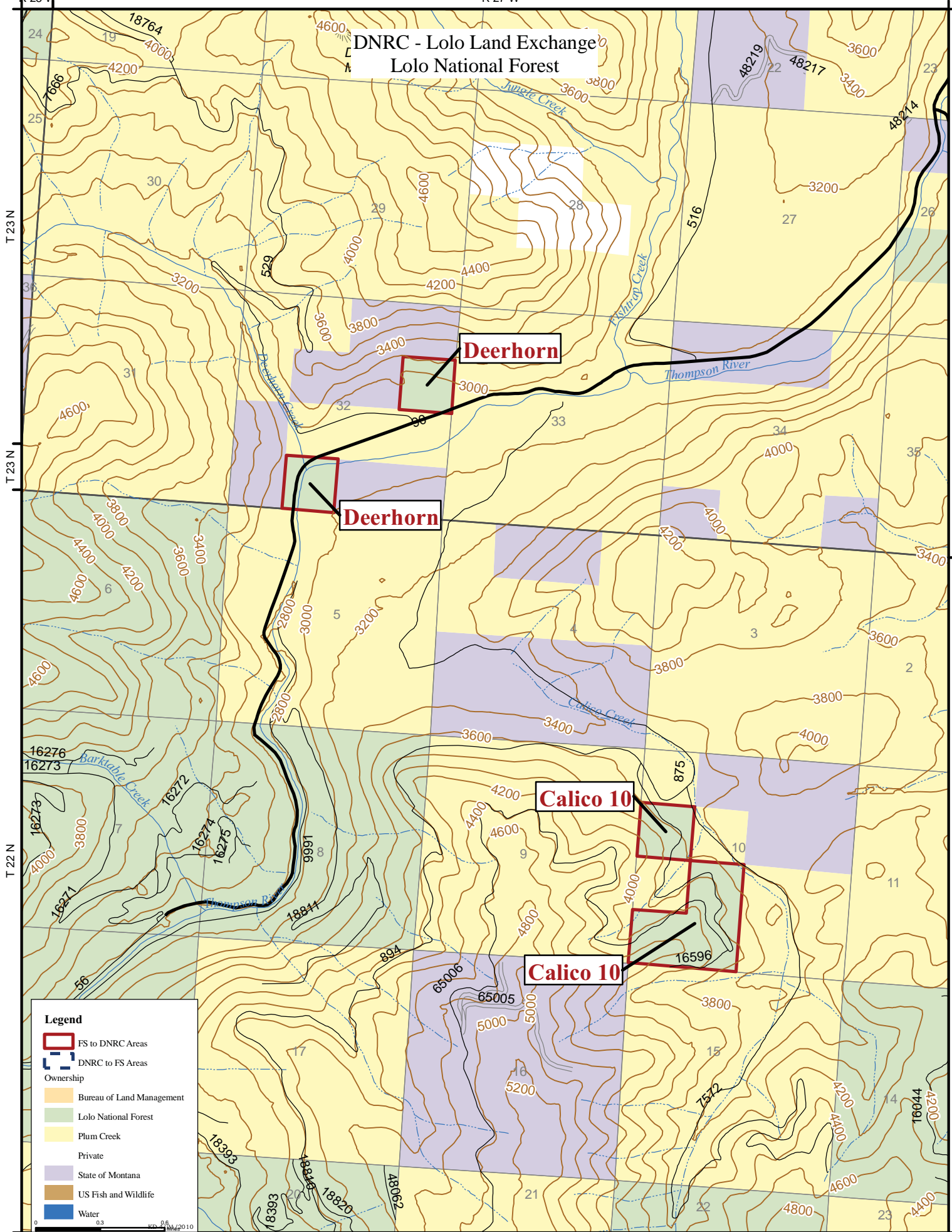
- FS to DNRC Areas
- DNRC to FS Areas

Ownership

- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

0 0.1 0.2 Miles
KD 4/21/2010

DNRC - Lolo Land Exchange Lolo National Forest



Legend



- FS to DNRC Areas
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- Bureau of Land Management
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DNRC - Lolo Land Exchange Lolo National Forest








T 22 N

**Cube
Iron Mt.**

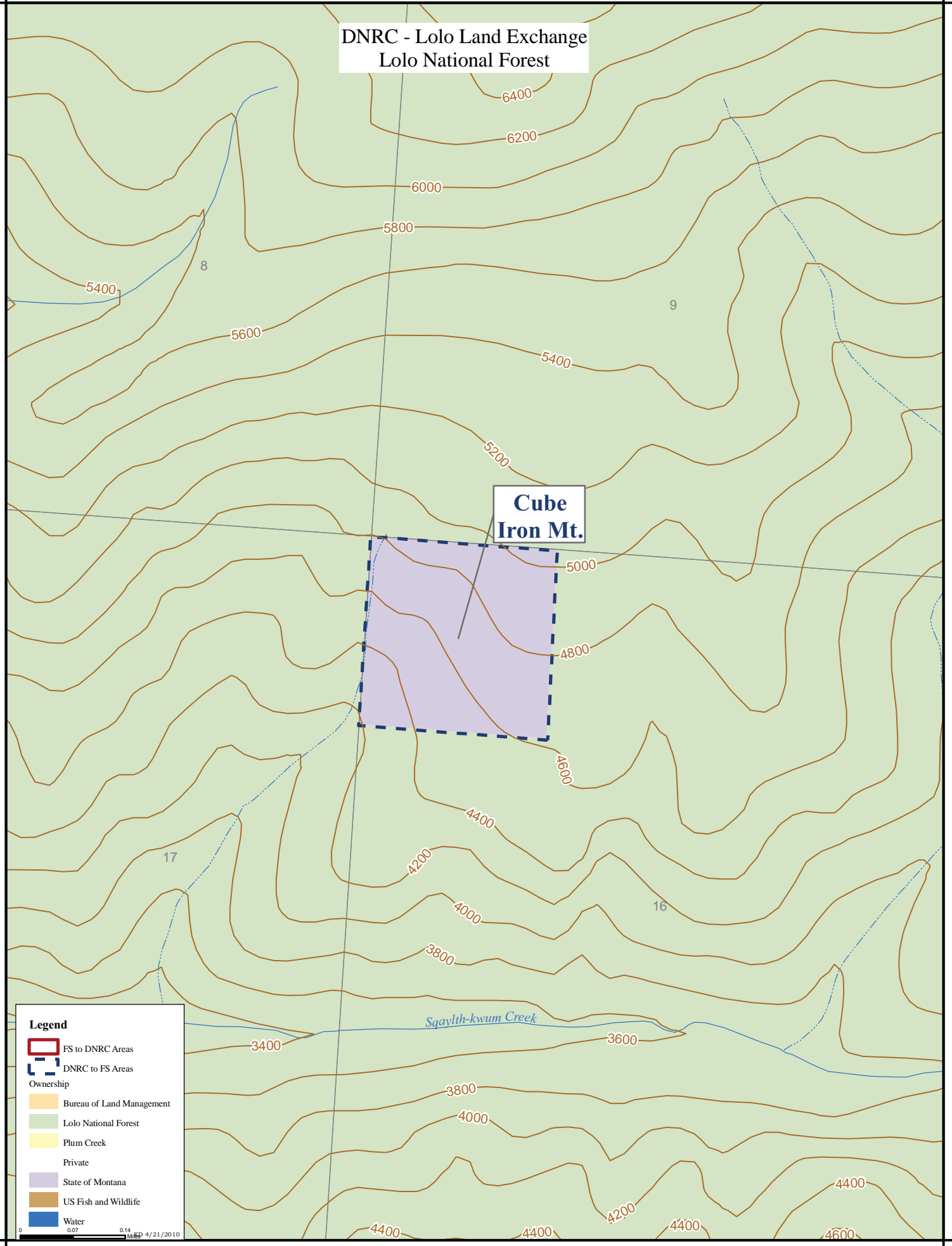
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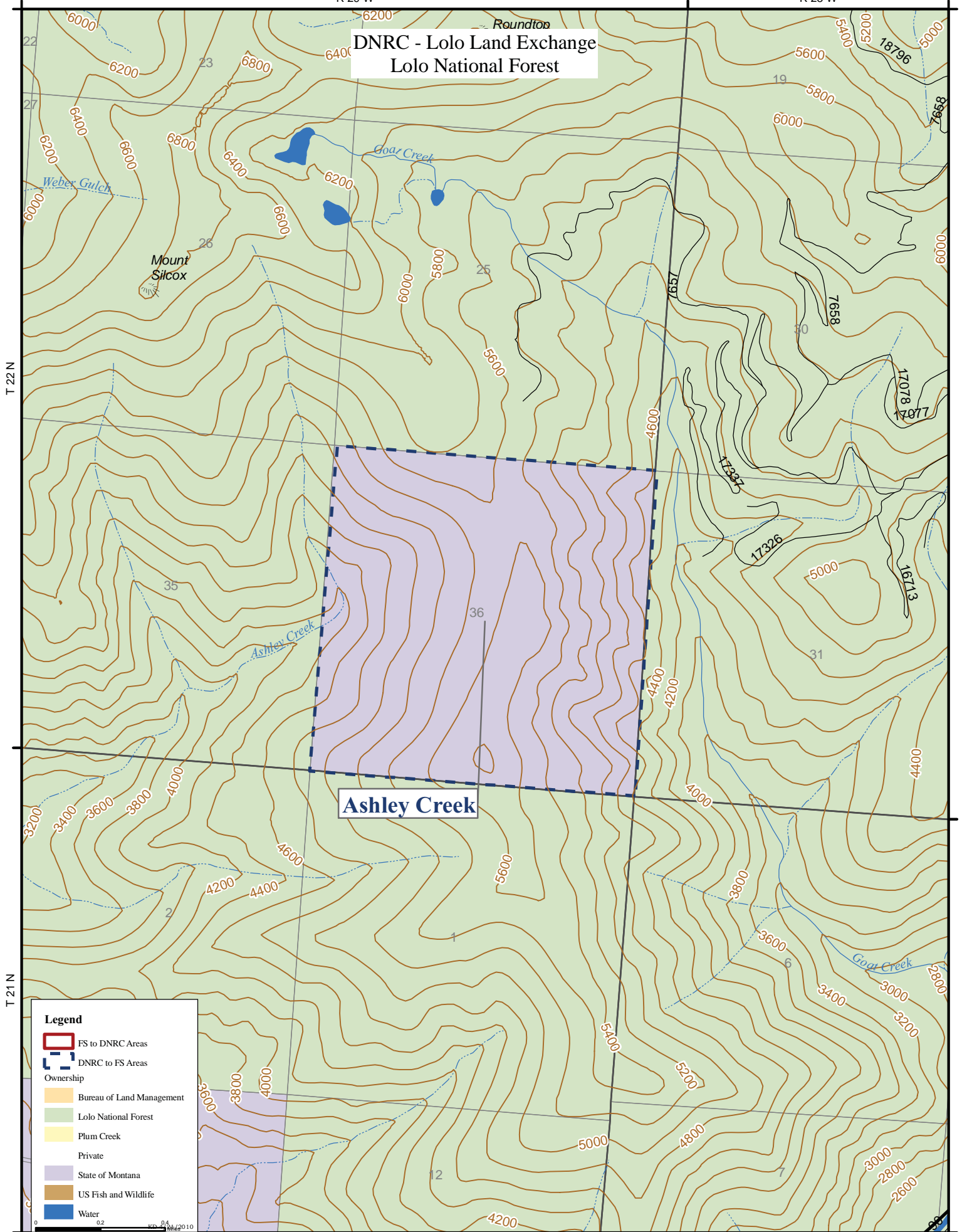
Ownership

-  Bureau of Land Management
-  Lolo National Forest
-  Plum Creek
-  Private
-  State of Montana
-  US Fish and Wildlife
-  Water

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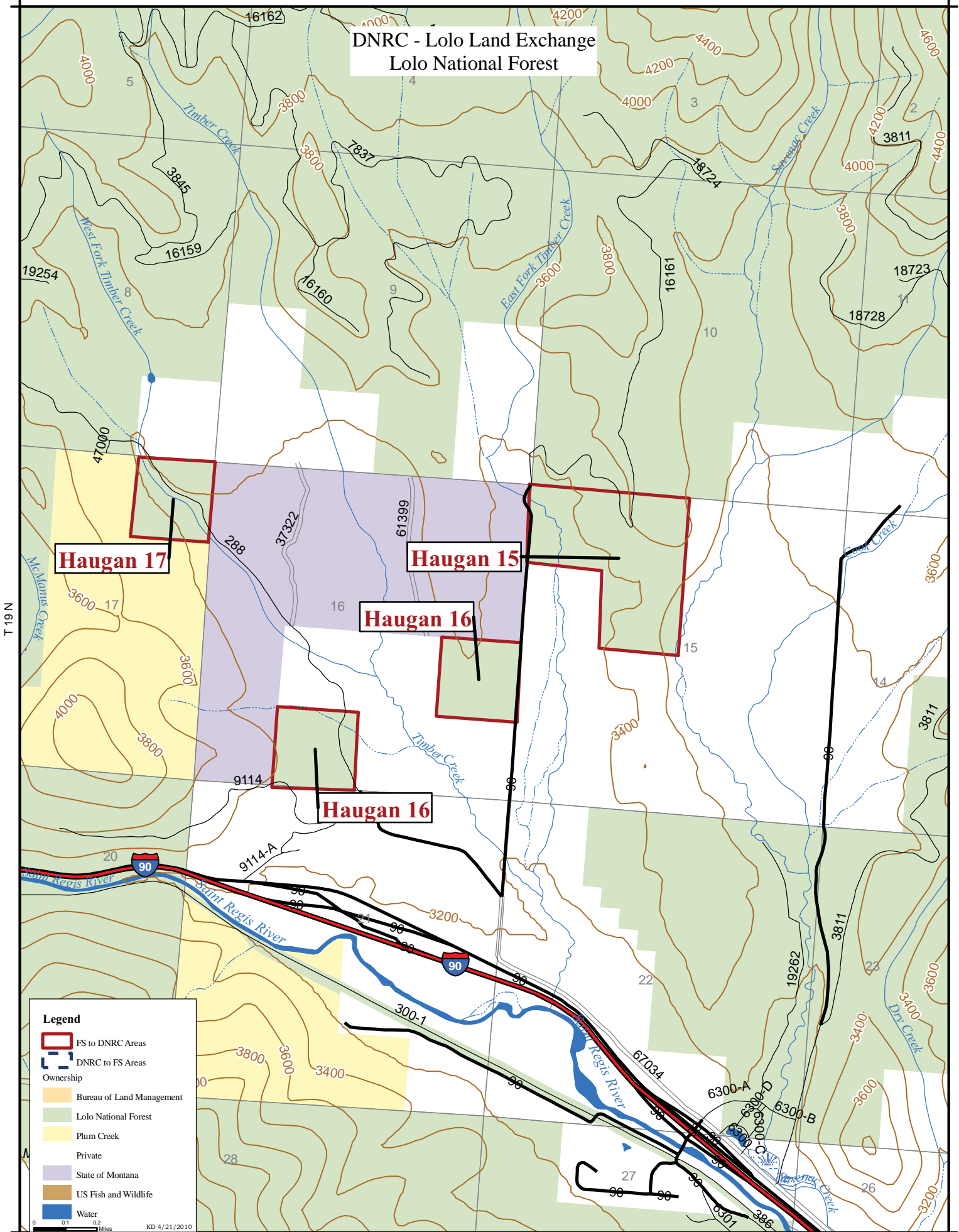
DNRC - Lolo Land Exchange Lolo National Forest



Legend

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DNRC - Lolo Land Exchange Lolo National Forest

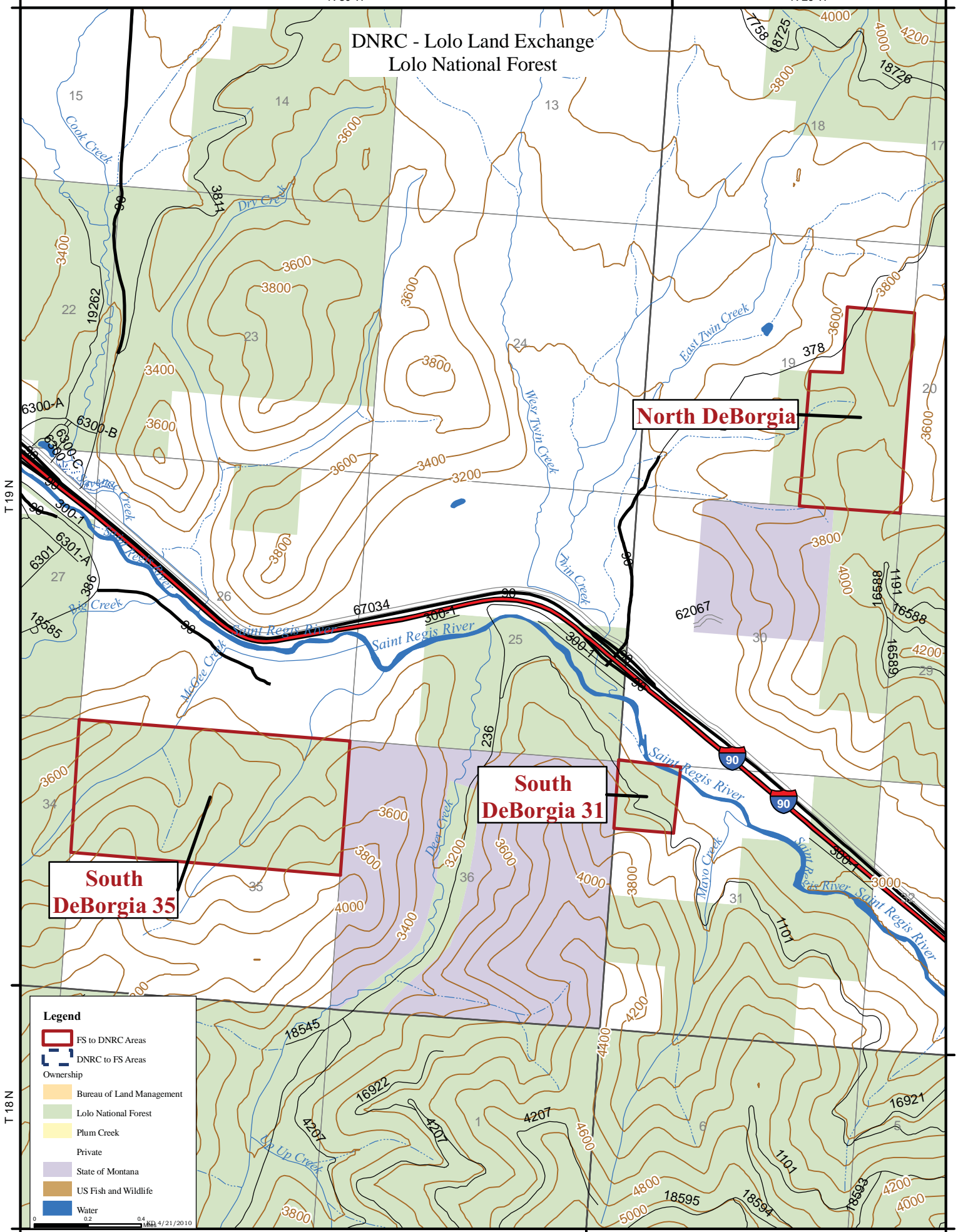


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- Ownership**
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- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

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KD 4/21/2010

DNRC - Lolo Land Exchange Lolo National Forest



North DeBorgia

South DeBorgia 31

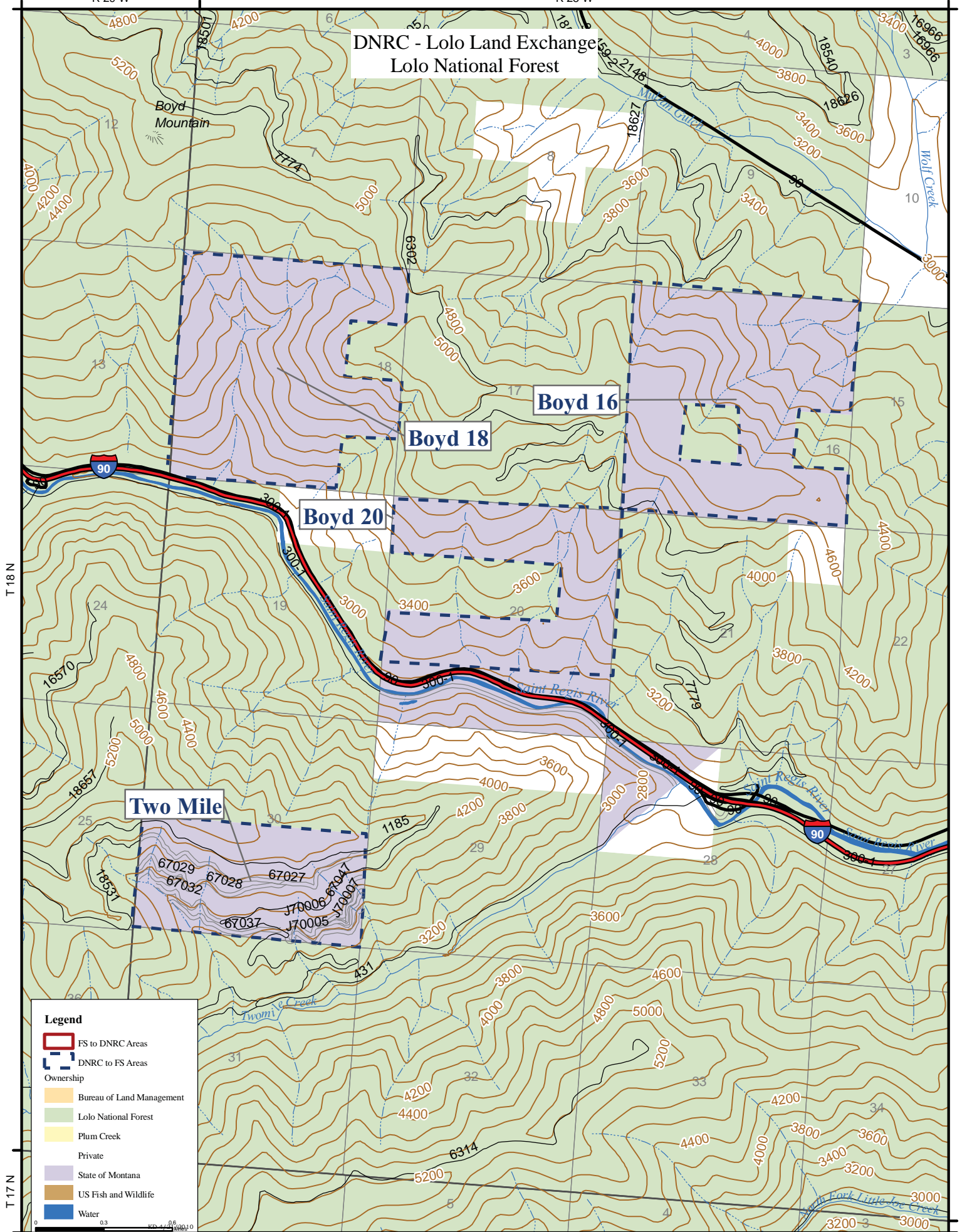
South DeBorgia 35

Legend

- FS to DNRC Areas
- DNRC to FS Areas
- Ownership**
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

0 0.2 0.4 Miles 4/21/2010

DNRC - Lolo Land Exchange Lolo National Forest



Boyd Mountain

Boyd 16

Boyd 18

Boyd 20

Two Mile

Legend

- FS to DNRC Areas
- DNRC to FS Areas

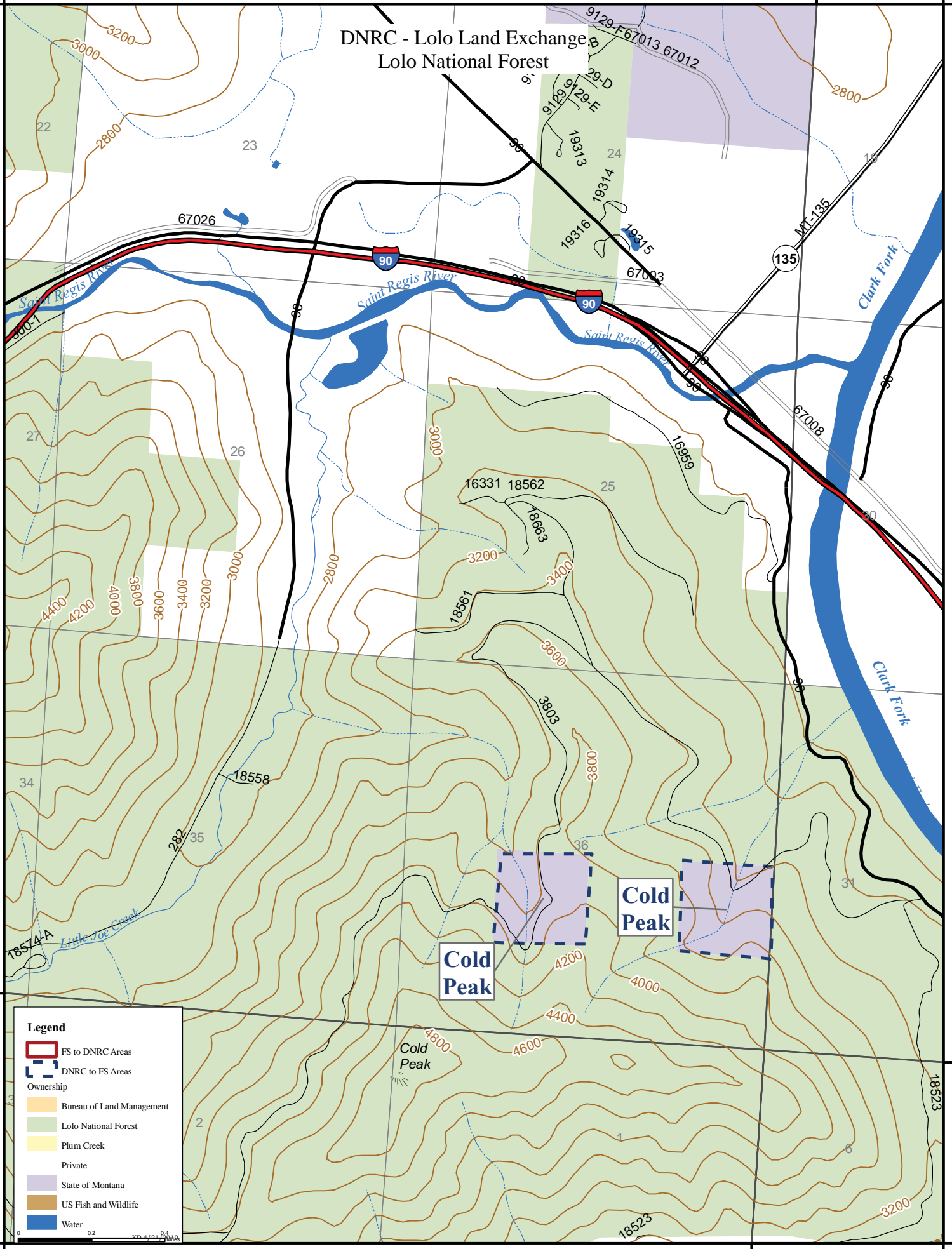
Ownership

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- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

DNRC - Lolo Land Exchange Lolo National Forest

T 18 N

T 17 N



Legend

- FS to DNRC Areas
- DNRC to FS Areas

Ownership

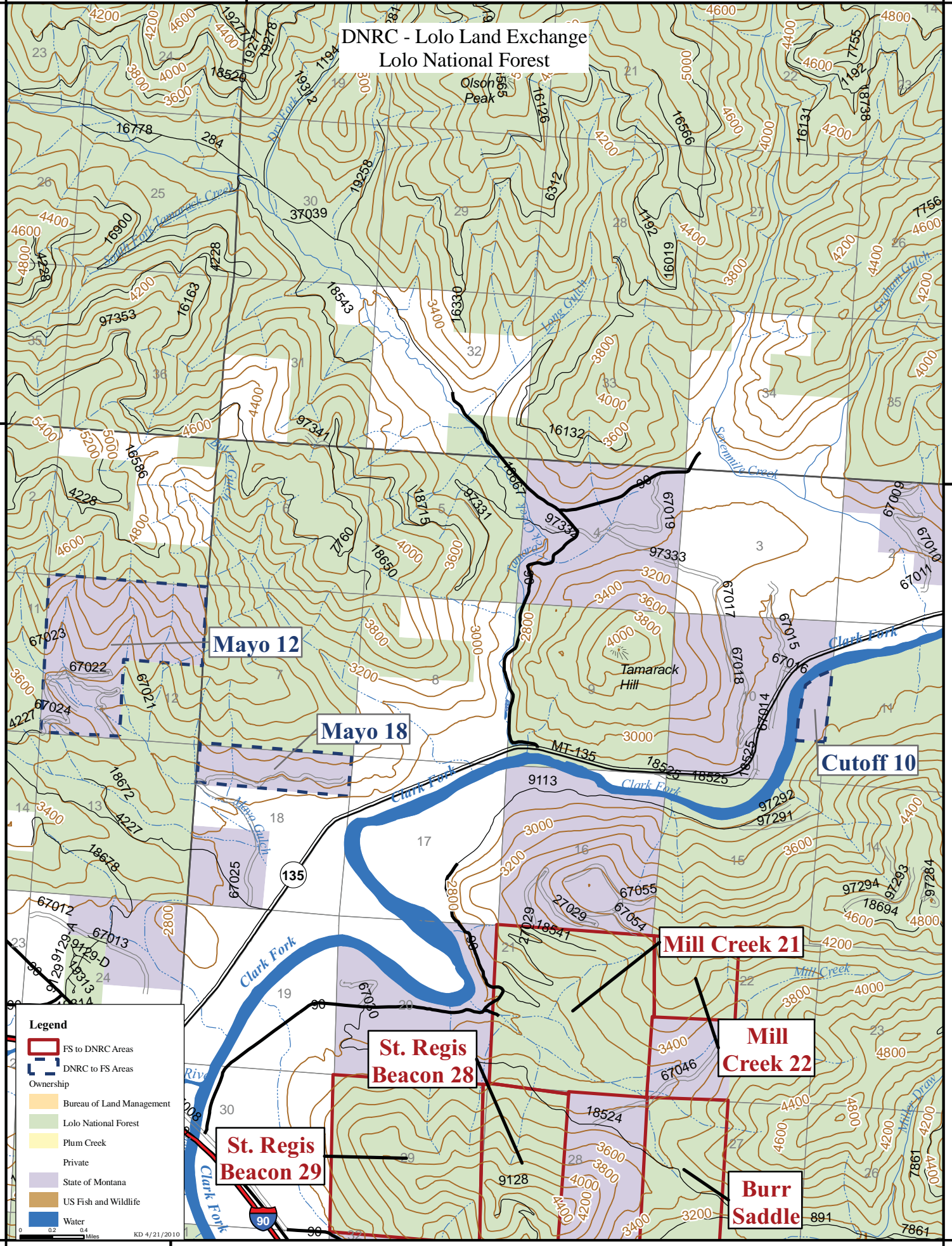
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- State of Montana
- US Fish and Wildlife
- Water

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DNRC - Lolo Land Exchange Lolo National Forest

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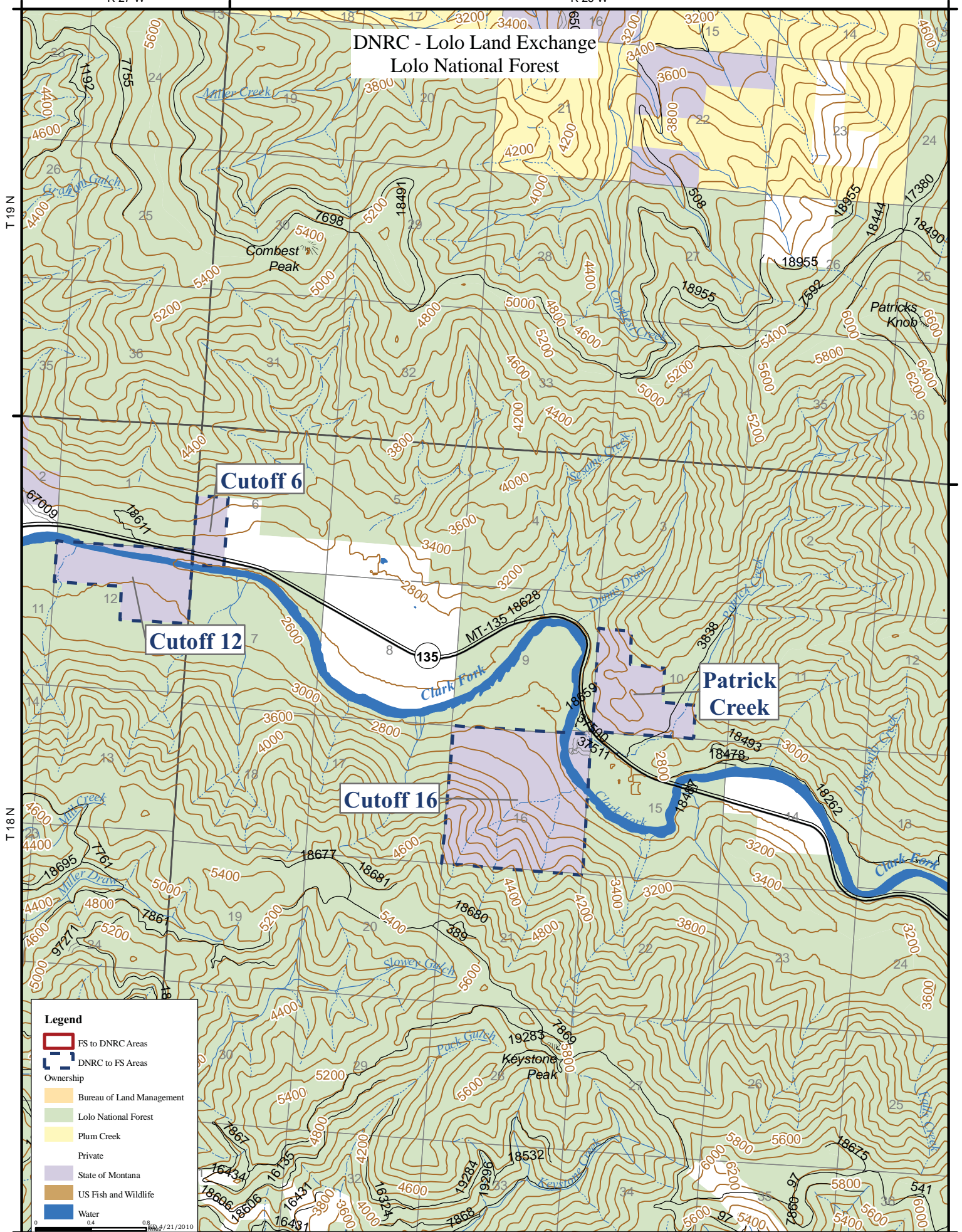
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- Ownership**
- Bureau of Land Management
- Lolo National Forest
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- Water

DNRC - Lolo Land Exchange Lolo National Forest



Cutoff 6

Cutoff 12

Cutoff 16

Patrick Creek

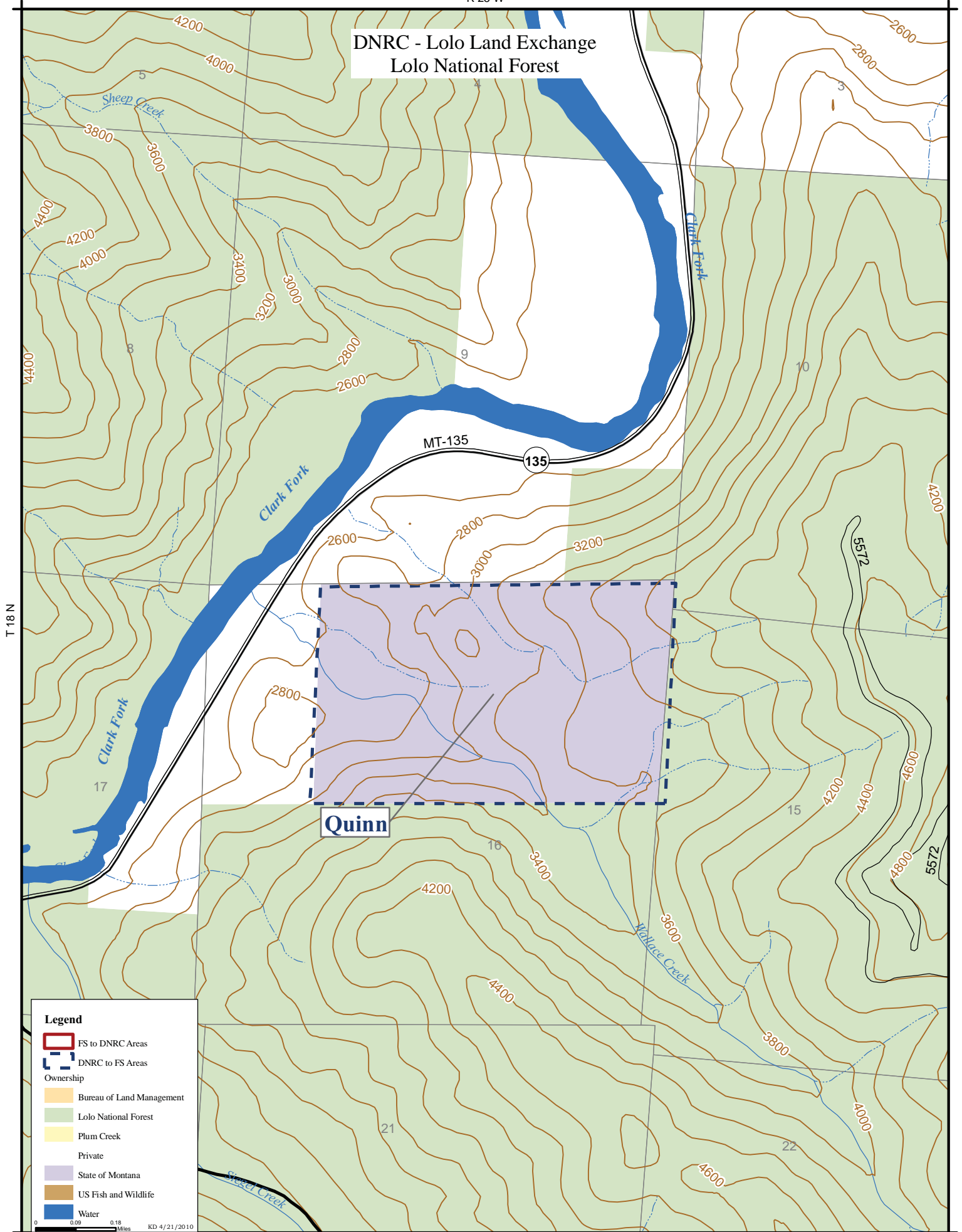
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Ownership

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- US Fish and Wildlife
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DNRC - Lolo Land Exchange Lolo National Forest

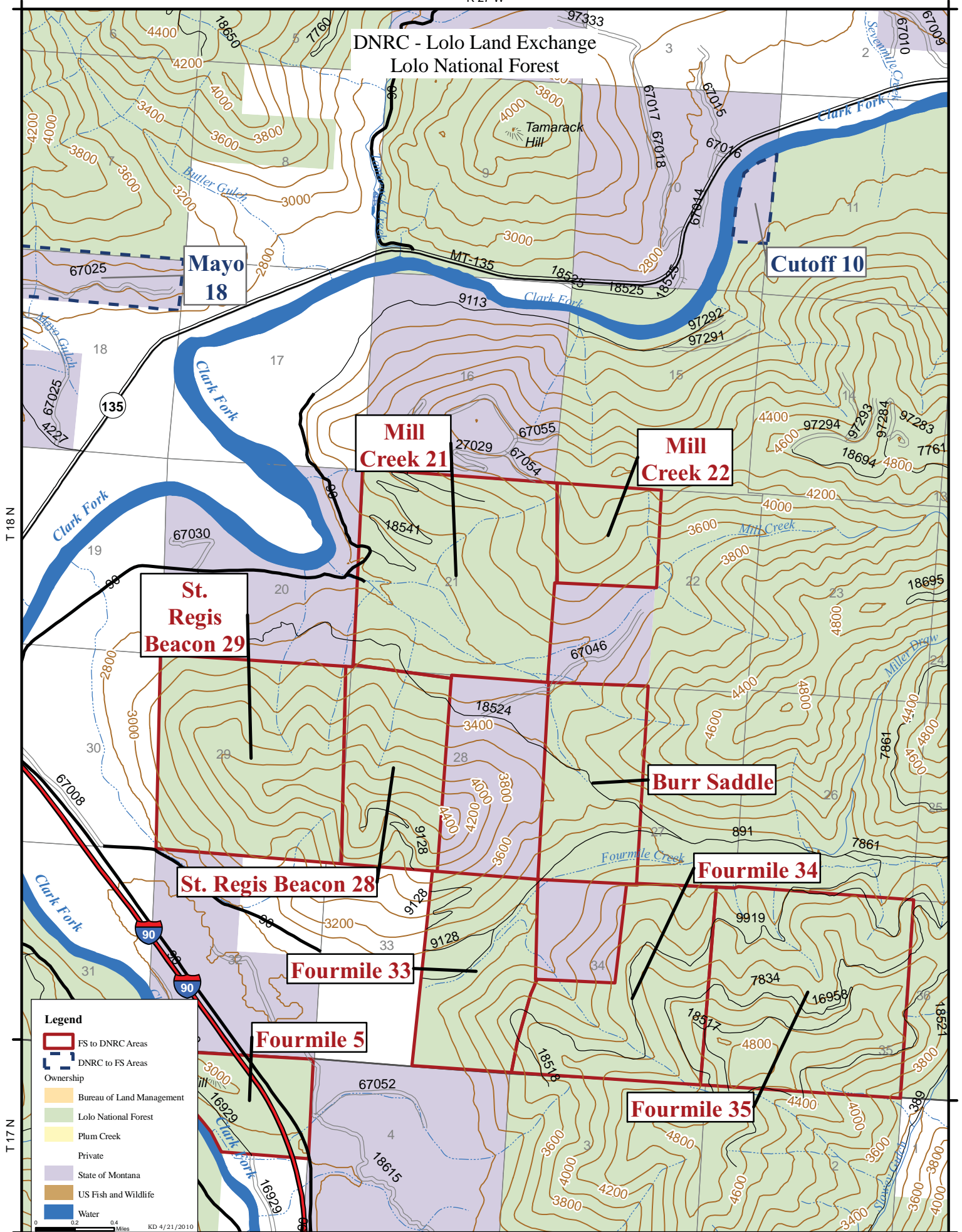


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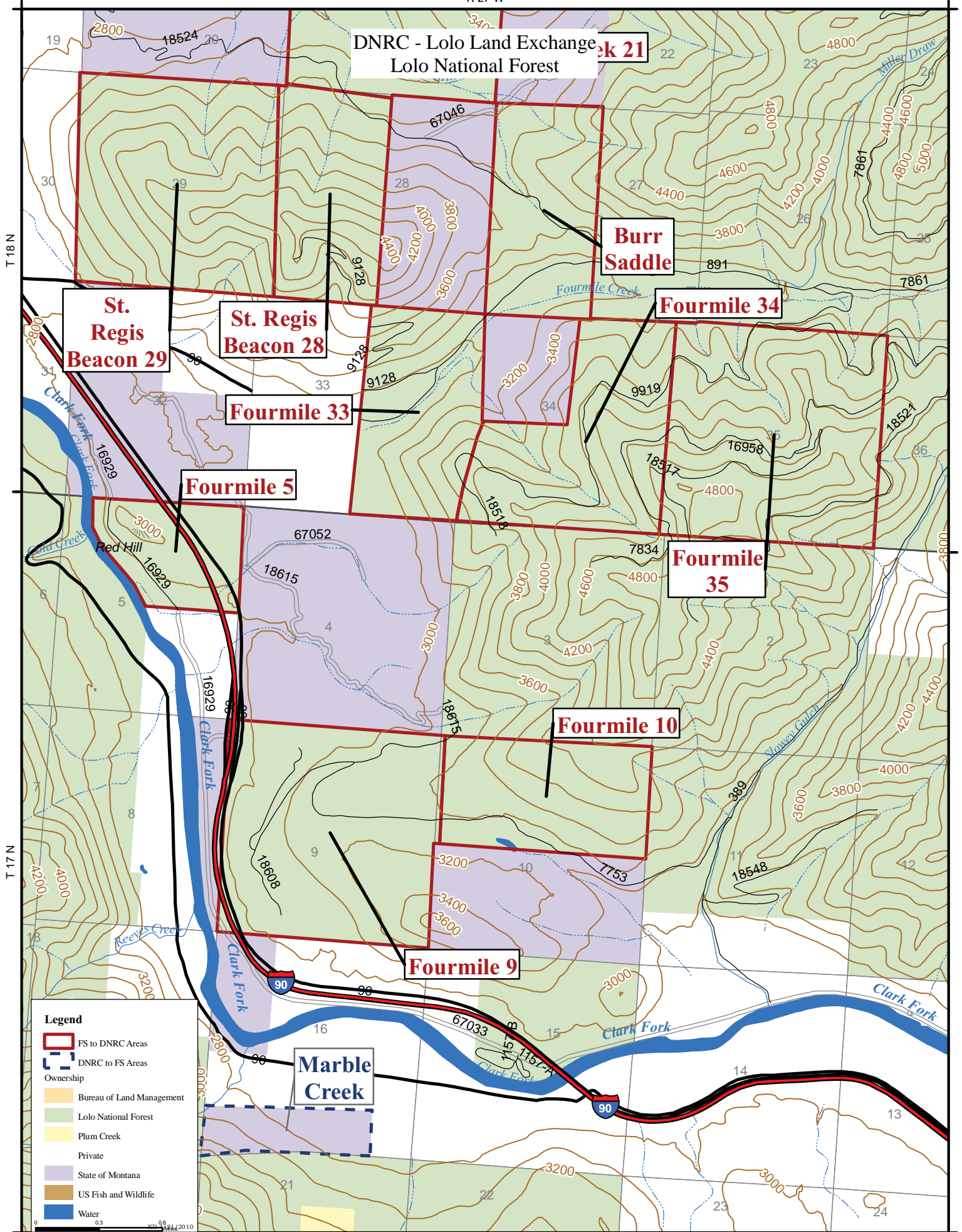
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- DNRC to FS Areas

Ownership

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DNRC - Lolo Land Exchange Lolo National Forest



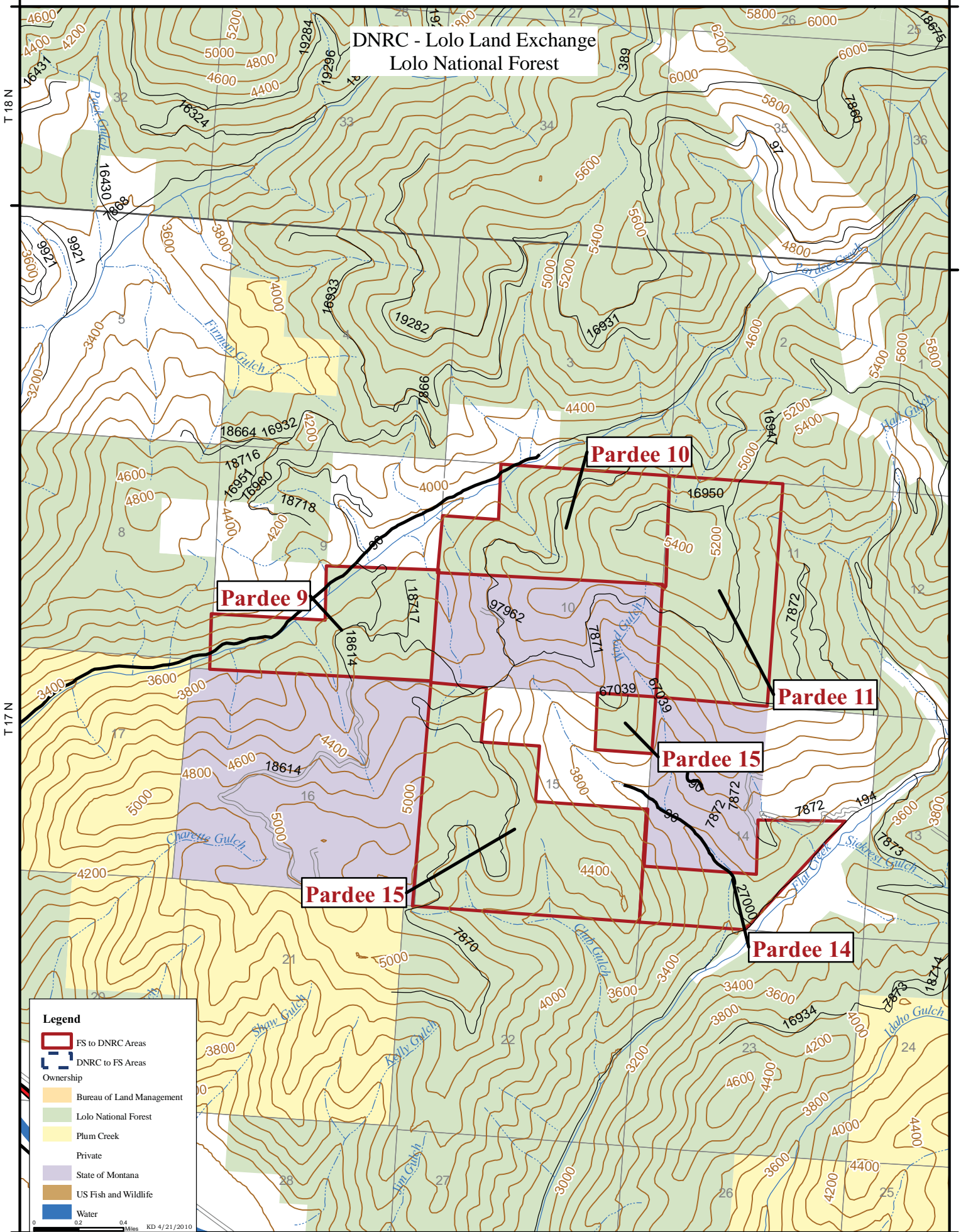
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DNRC - Lolo Land Exchange Lolo National Forest



Legend

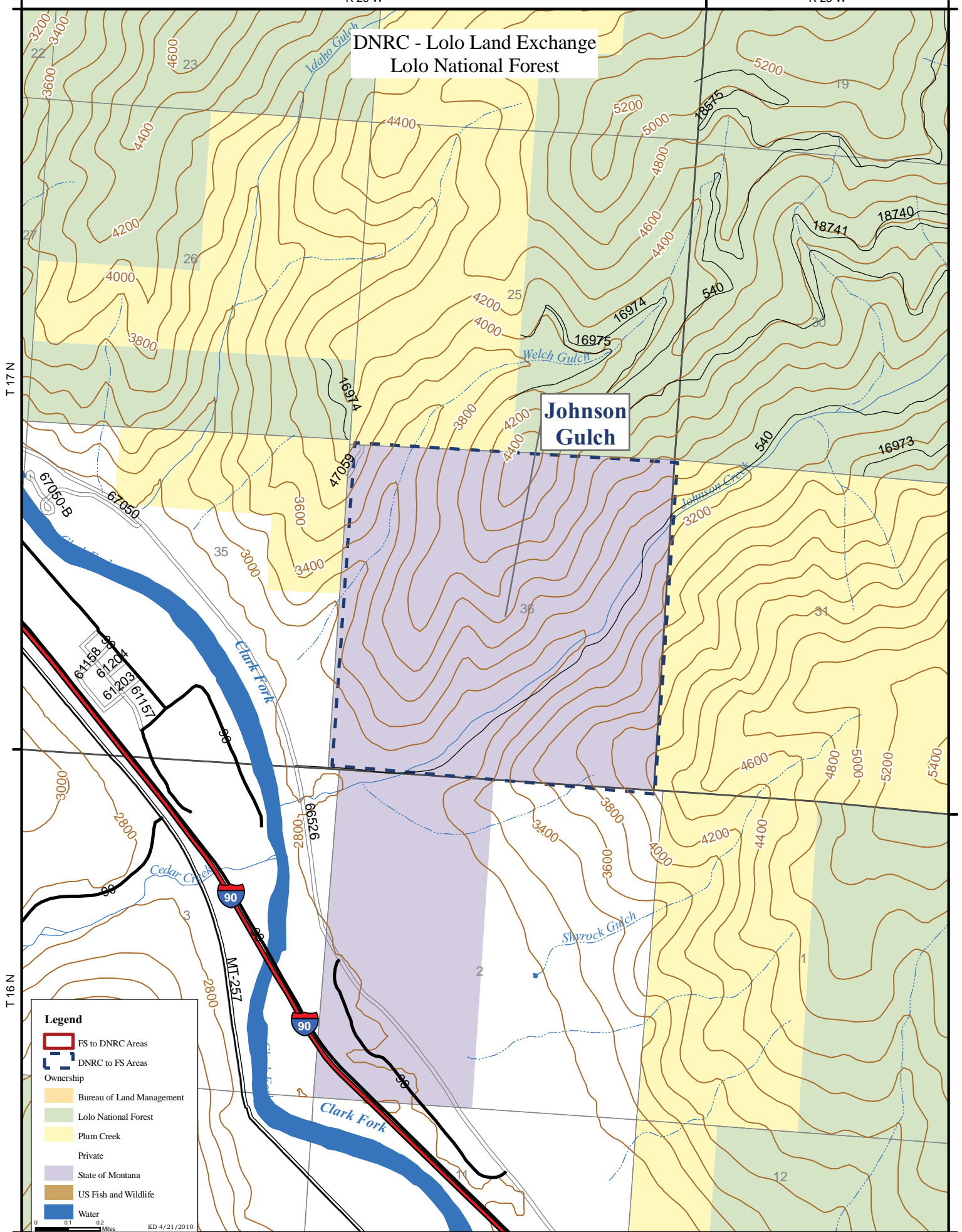
- FS to DNRC Areas
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Ownership

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- Plum Creek
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- US Fish and Wildlife
- Water

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DNRC - Lolo Land Exchange Lolo National Forest



Legend

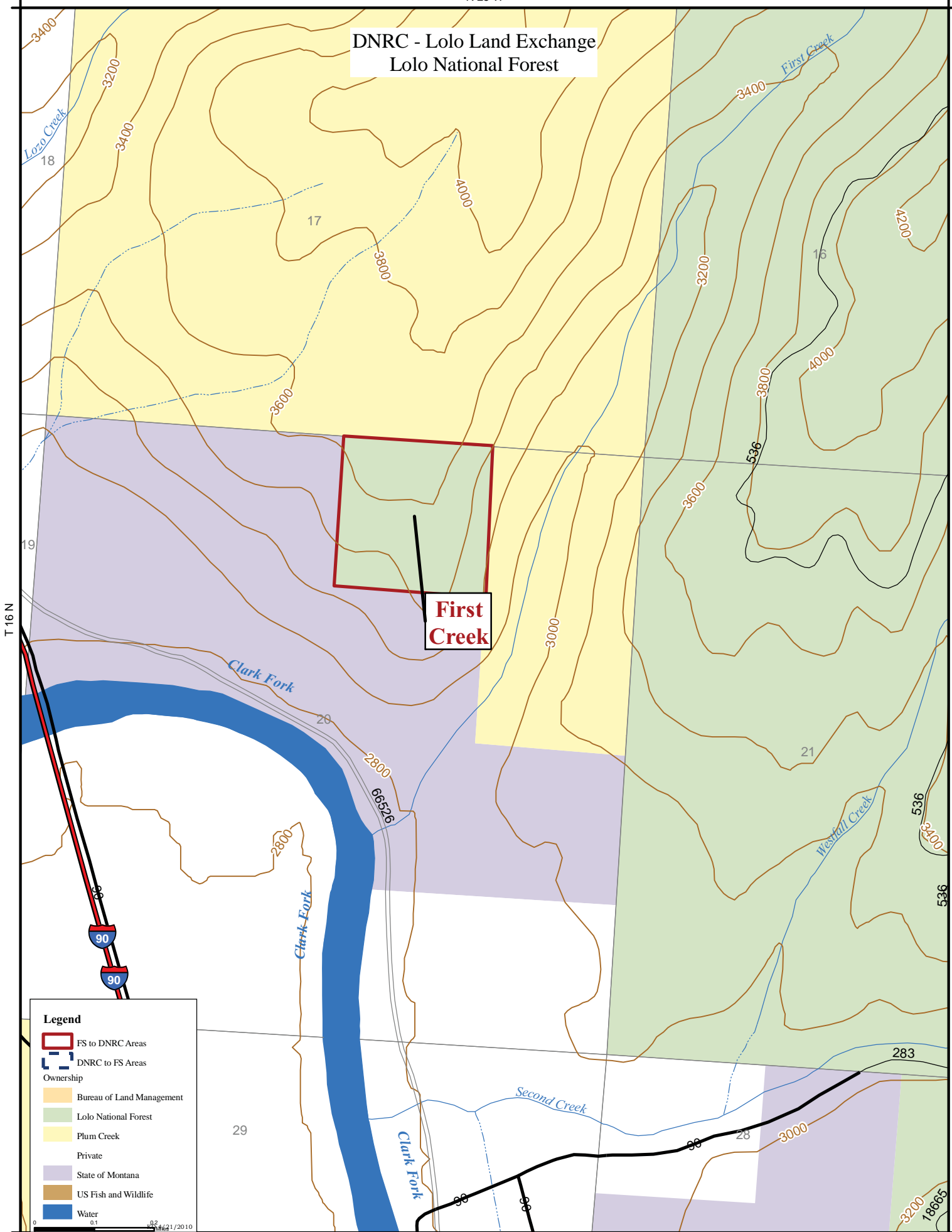
- FS to DNRC Areas
- DNRC to FS Areas

Ownership

- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

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KD 4/21/2010

DNRC - Lolo Land Exchange Lolo National Forest

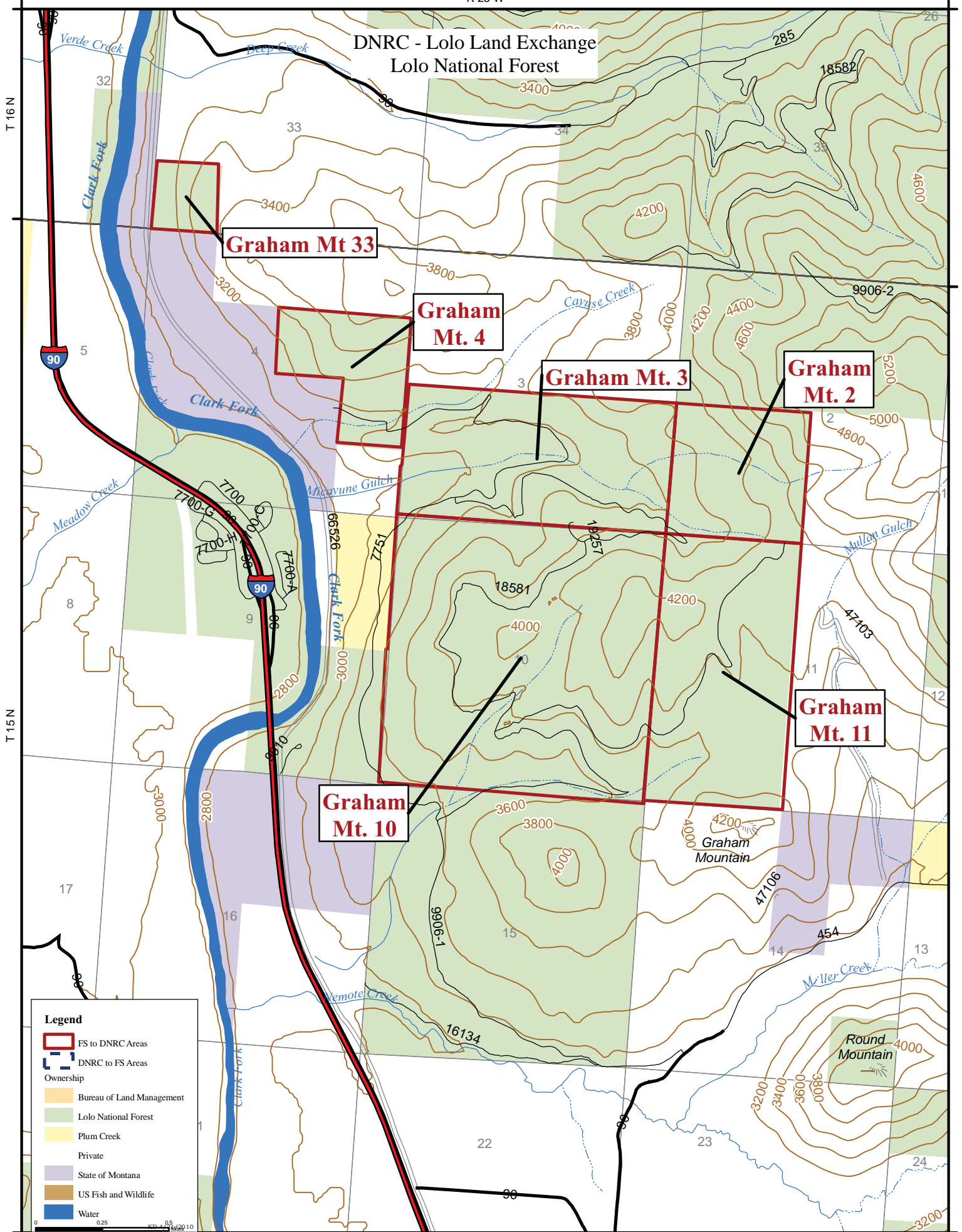


T 16 N

Legend

- FS to DNRC Areas
- DNRC to FS Areas
- Ownership**
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

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DNRC - Lolo Land Exchange
Lolo National Forest

Graham Mt 33

Graham Mt. 4

Graham Mt. 3

Graham Mt. 2

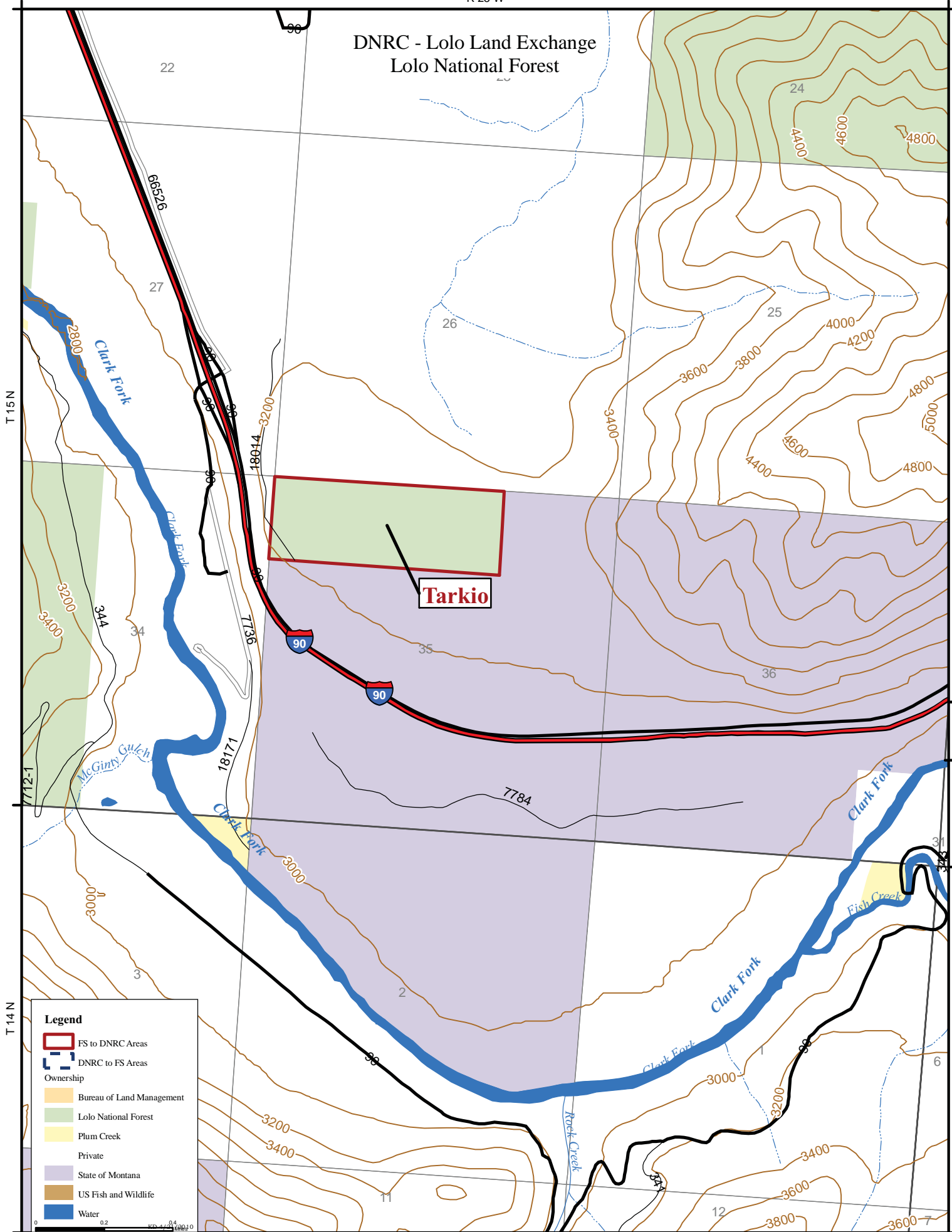
Graham Mt. 11

Graham Mt. 10

Legend

- FS to DNRC Areas
- DNRC to FS Areas
- Ownership**
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- Lolo National Forest
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- State of Montana
- US Fish and Wildlife
- Water

DNRC - Lolo Land Exchange Lolo National Forest



Legend

- FS to DNRC Areas
- DNRC to FS Areas

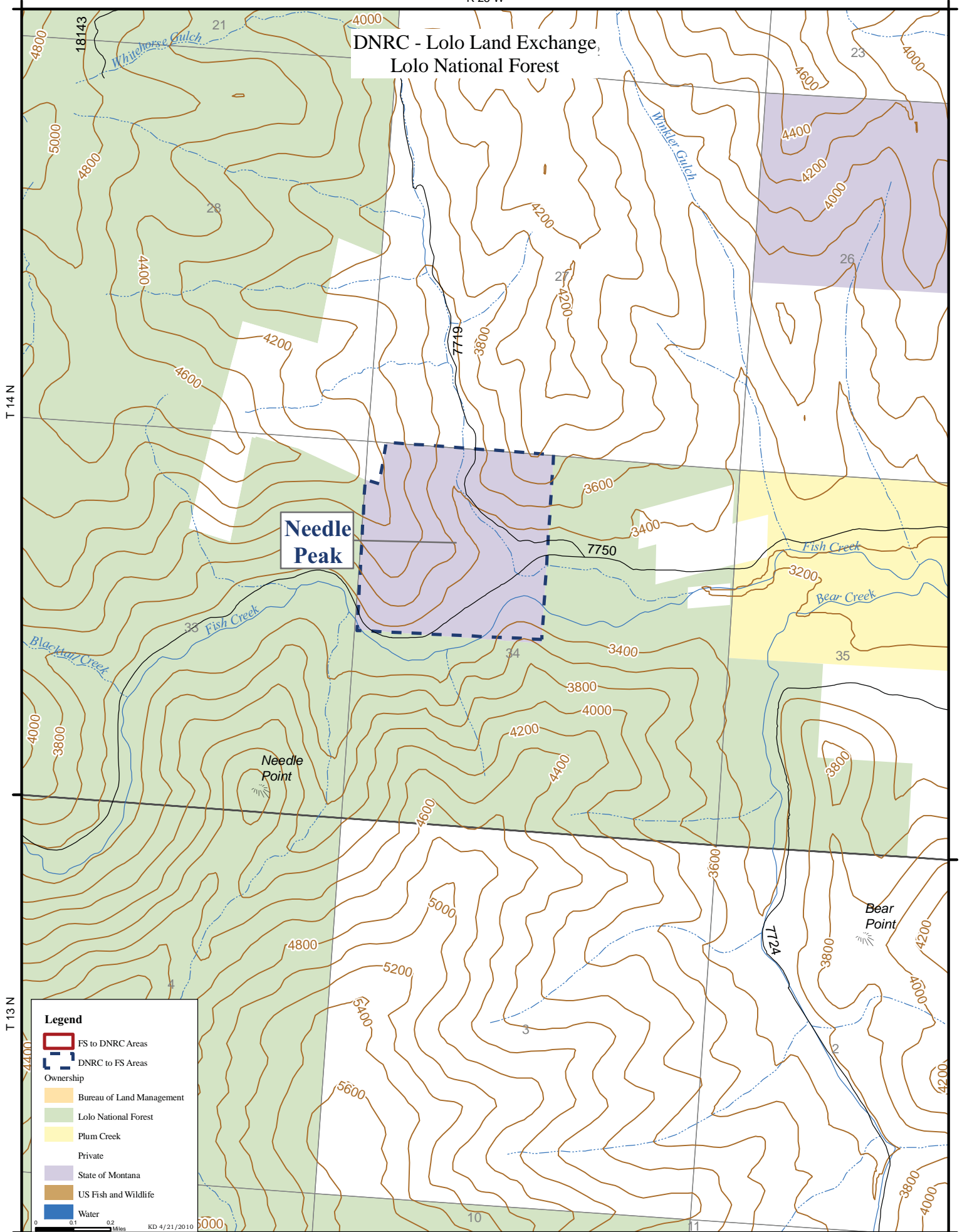
Ownership

- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

DNRC - Lolo Land Exchange, Lolo National Forest

T 14 N

T 13 N



Needle Peak

Needle Point

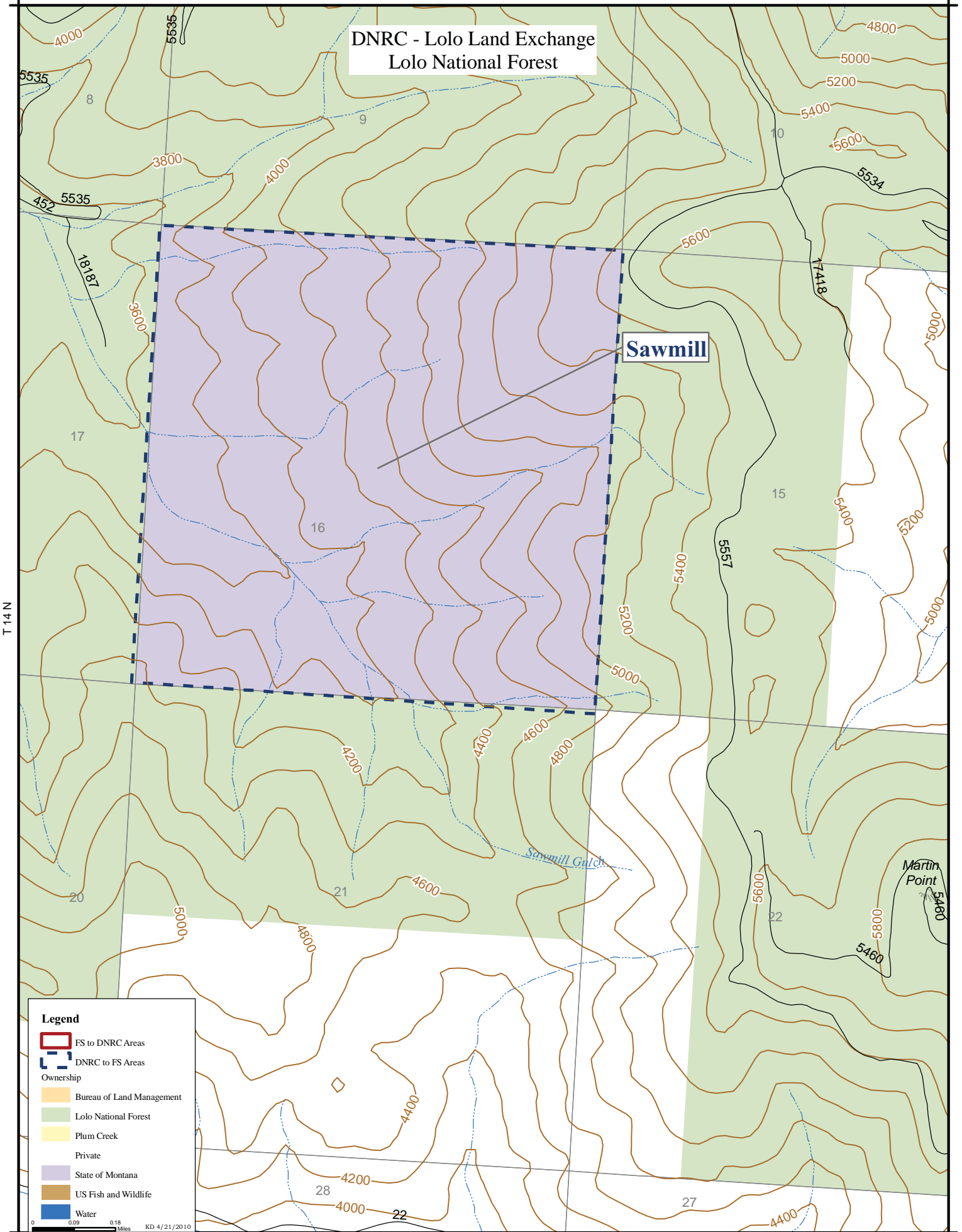
Bear Point

Legend

- FS to DNRC Areas
- DNRC to FS Areas
- Ownership**
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

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KD 4/21/2010

DNRC - Lolo Land Exchange Lolo National Forest



Sawmill

Martin Point

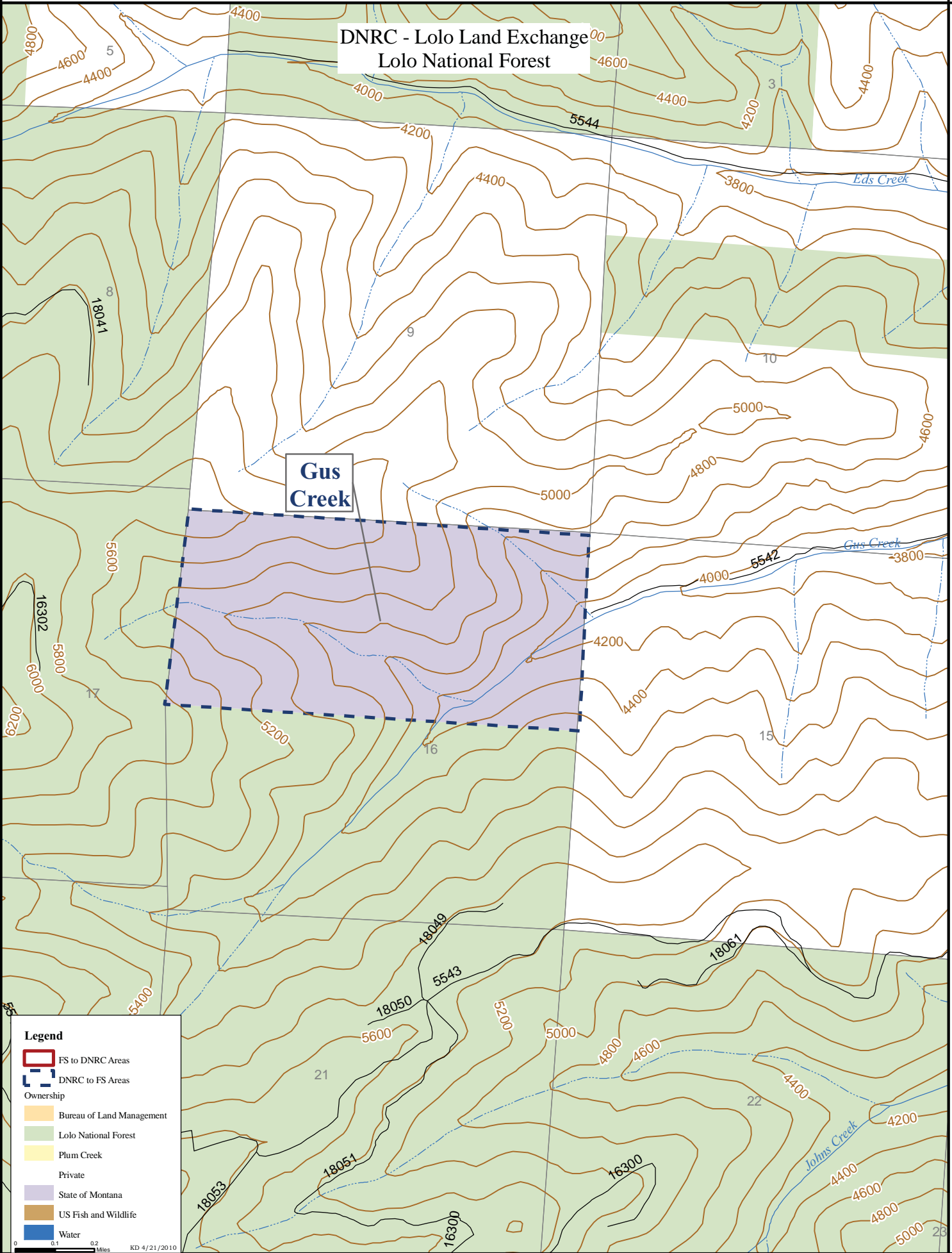
Legend

- FS to DNRC Areas
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- Ownership**
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

DNRC - Lolo Land Exchange
Lolo National Forest

Gus
Creek

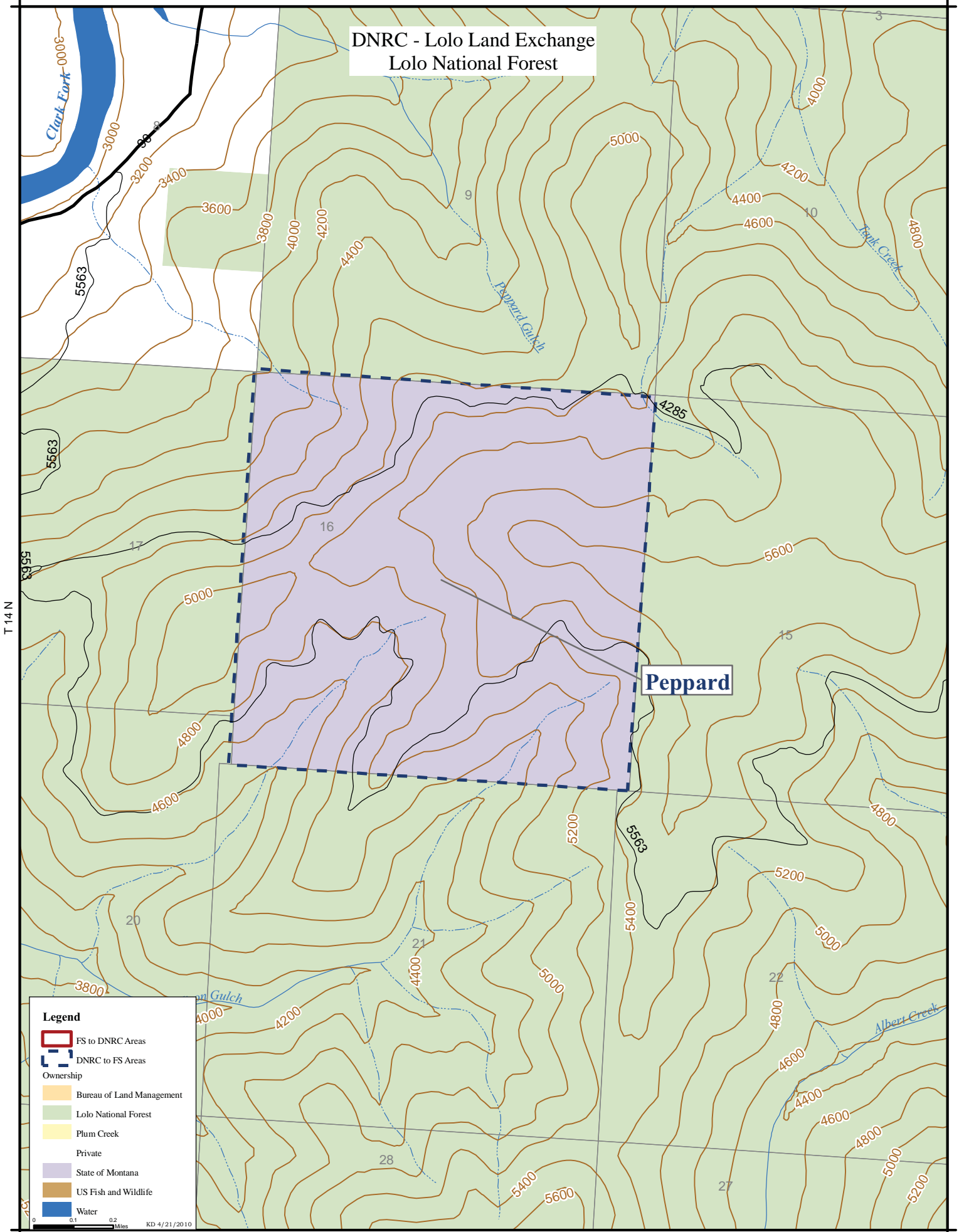
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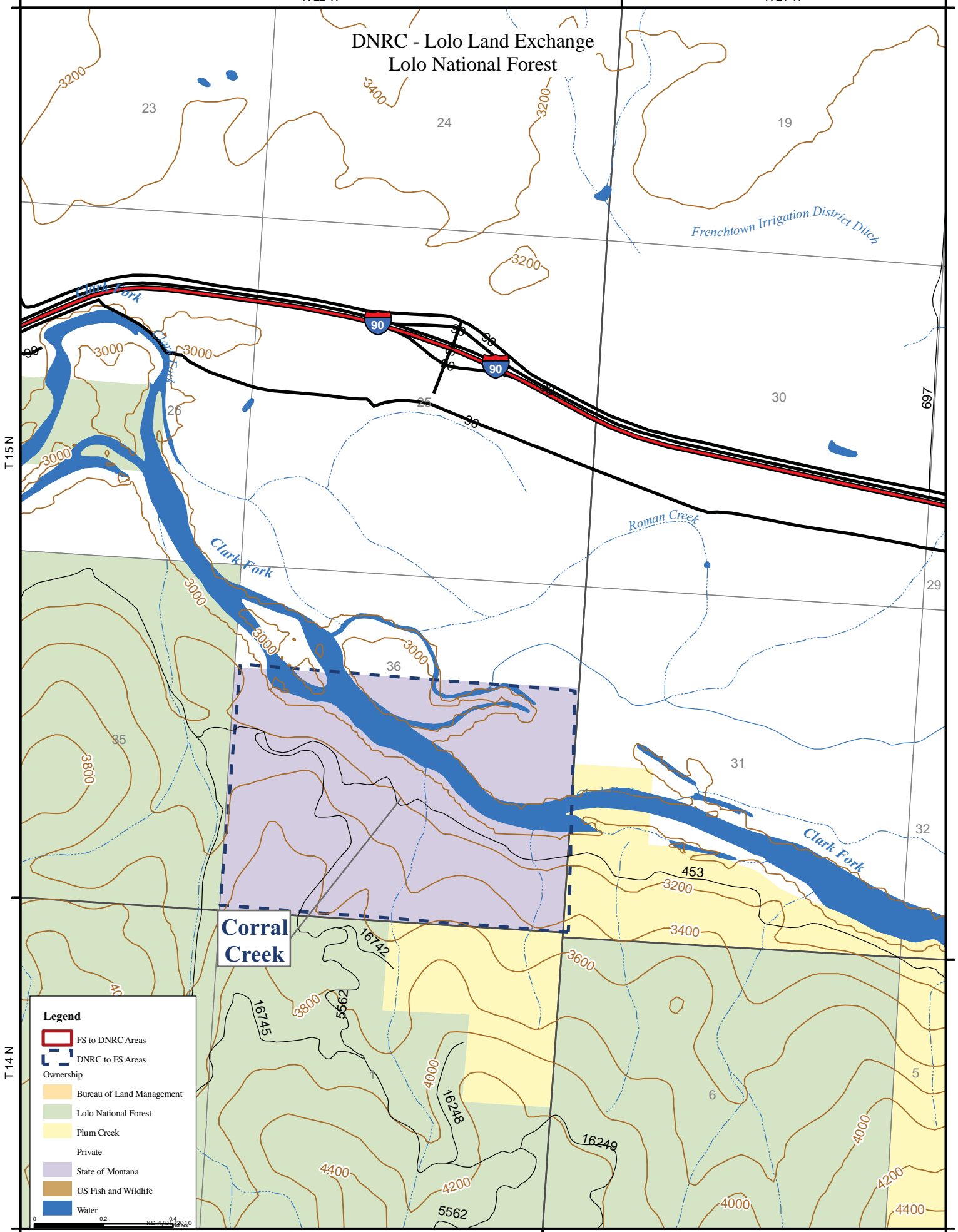
Legend

- FS to DNRC Areas
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- US Fish and Wildlife
- Water

DNRC - Lolo Land Exchange Lolo National Forest



DNRC - Lolo Land Exchange Lolo National Forest



Legend

- FS to DNRC Areas
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DNRC - Lolo Land Exchange Lolo National Forest

T 16 N

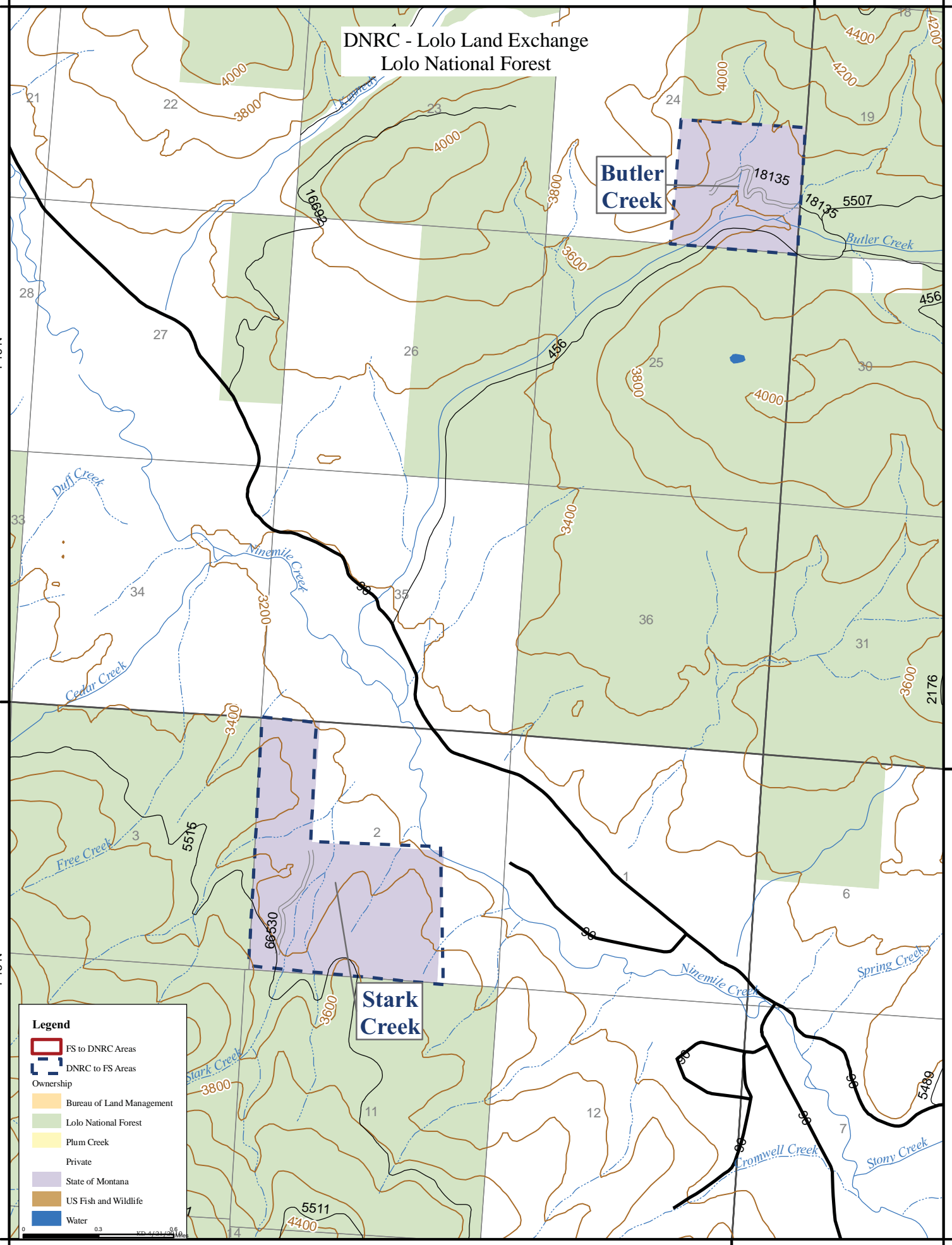
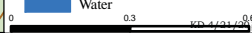
T 15 N

**Butler
Creek**

**Stark
Creek**

Legend

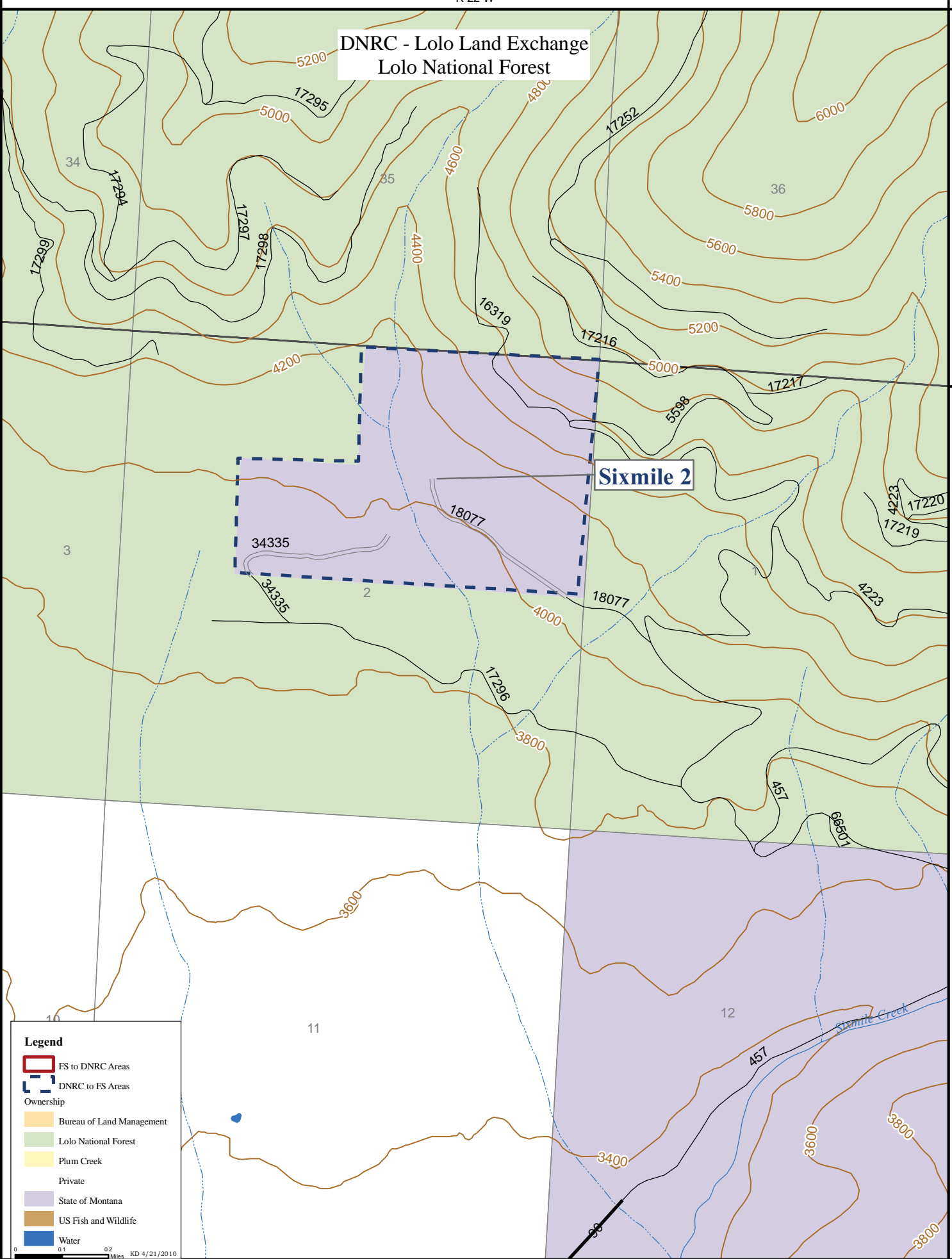
- FS to DNRC Areas
- DNRC to FS Areas
- Ownership**
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water



DNRC - Lolo Land Exchange Lolo National Forest

T 16 N

T 15 N

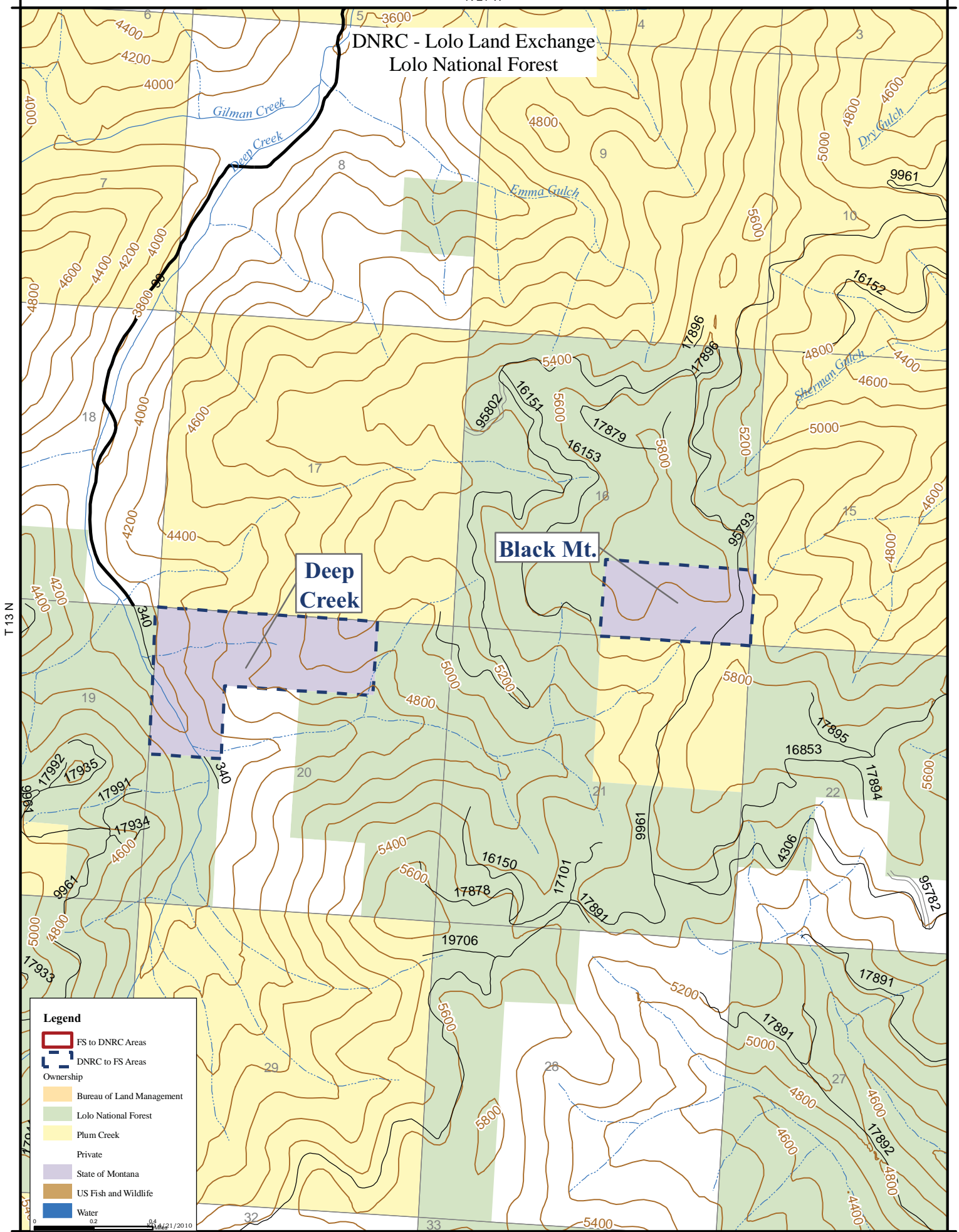


Sixmile 2

Legend

- FS to DNRC Areas
- DNRC to FS Areas
- Ownership
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

DNRC - Lolo Land Exchange Lolo National Forest



T 13 N

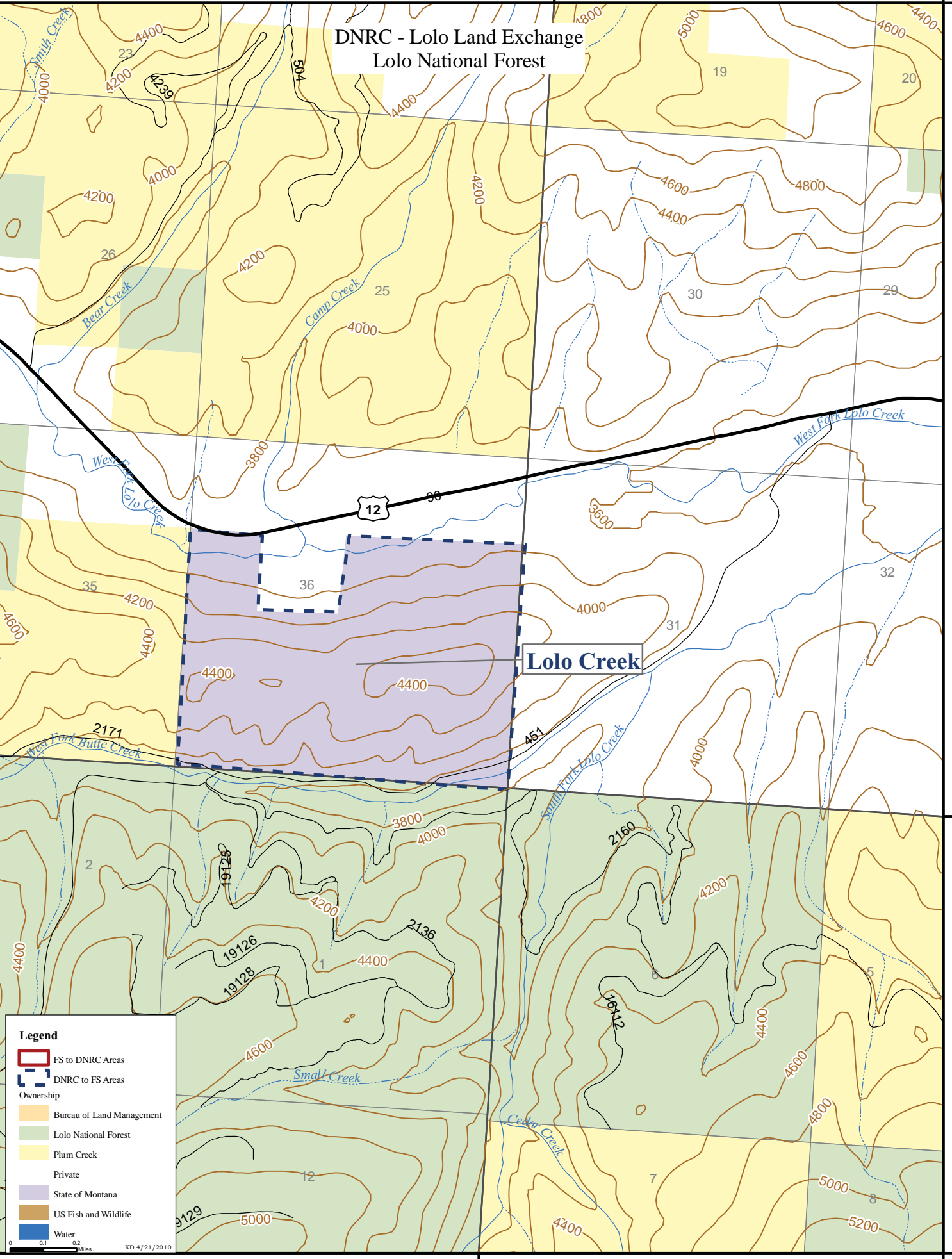
Legend

- FS to DNRC Areas
- DNRC to FS Areas
- Ownership**
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

DNRC - Lolo Land Exchange Lolo National Forest

T 12 N

T 11 N



Legend

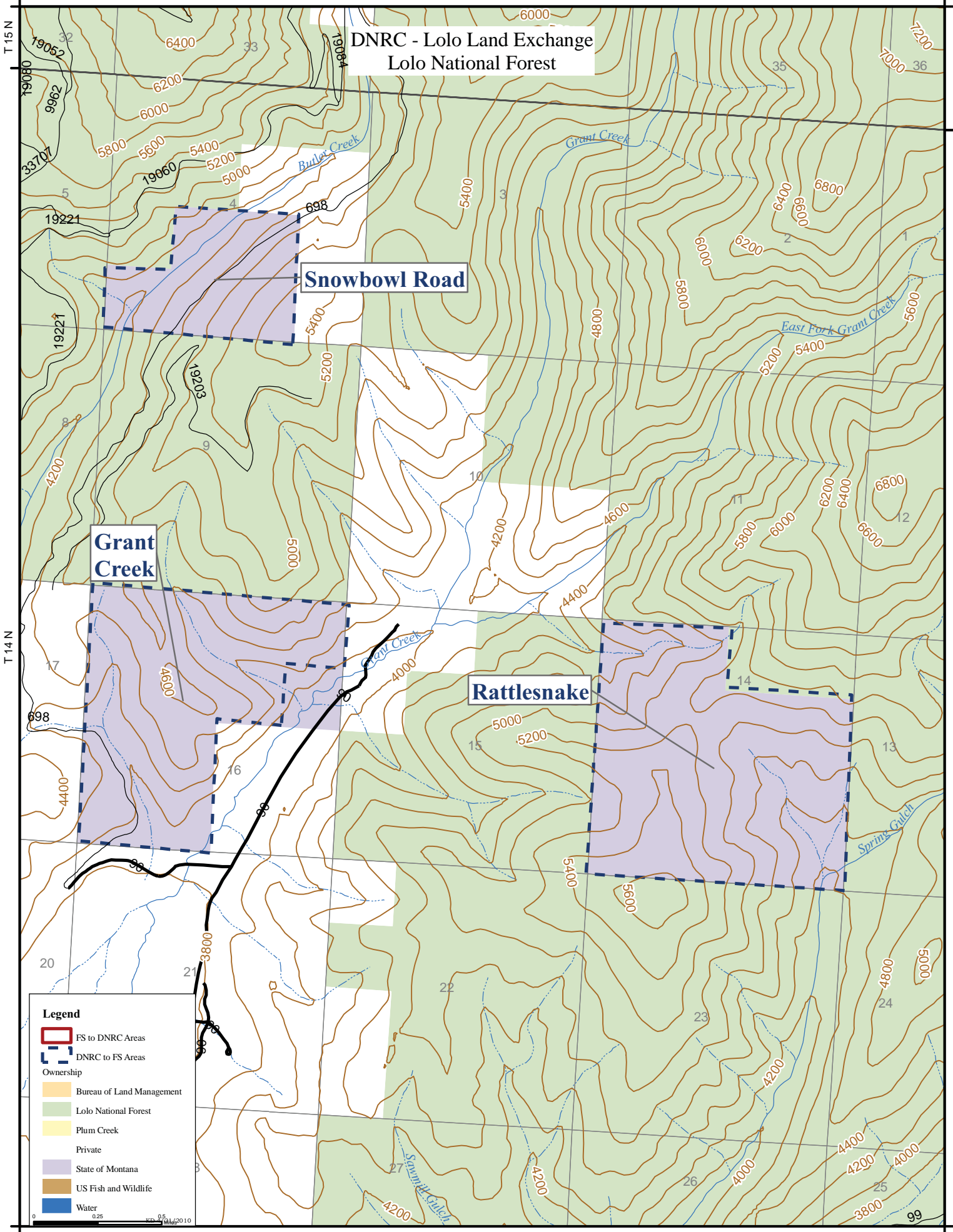
- FS to DNRC Areas
- DNRC to FS Areas

Ownership

- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

0 0.1 0.2 Miles
KD 4/21/2010

DNRC - Lolo Land Exchange Lolo National Forest



Legend

- FS to DNRC Areas
- DNRC to FS Areas
- Ownership**
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

DNRC - Lolo Land Exchange Lolo National Forest

T 13 N

T 12 N

Crazy Canyon

Pattee Canyon

Deer Creek

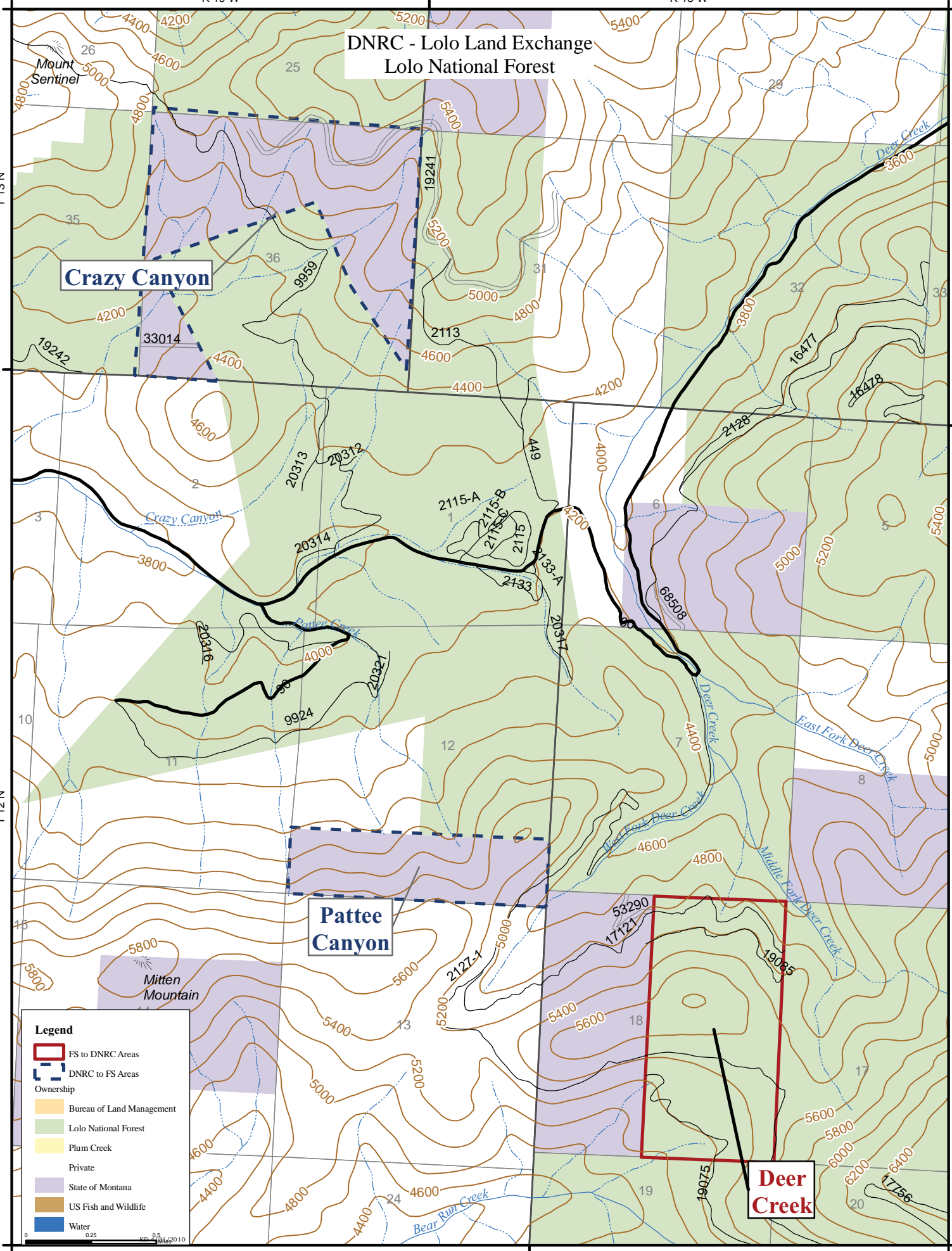
Legend

- FS to DNRC Areas
- DNRC to FS Areas

Ownership

- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

0 0.25 0.5 1 1.5 2 Miles



R 17 W

R 16 W

DNRC - Lolo Land Exchange Lolo National Forest

Colma Gulch

Rock Creek

Legend

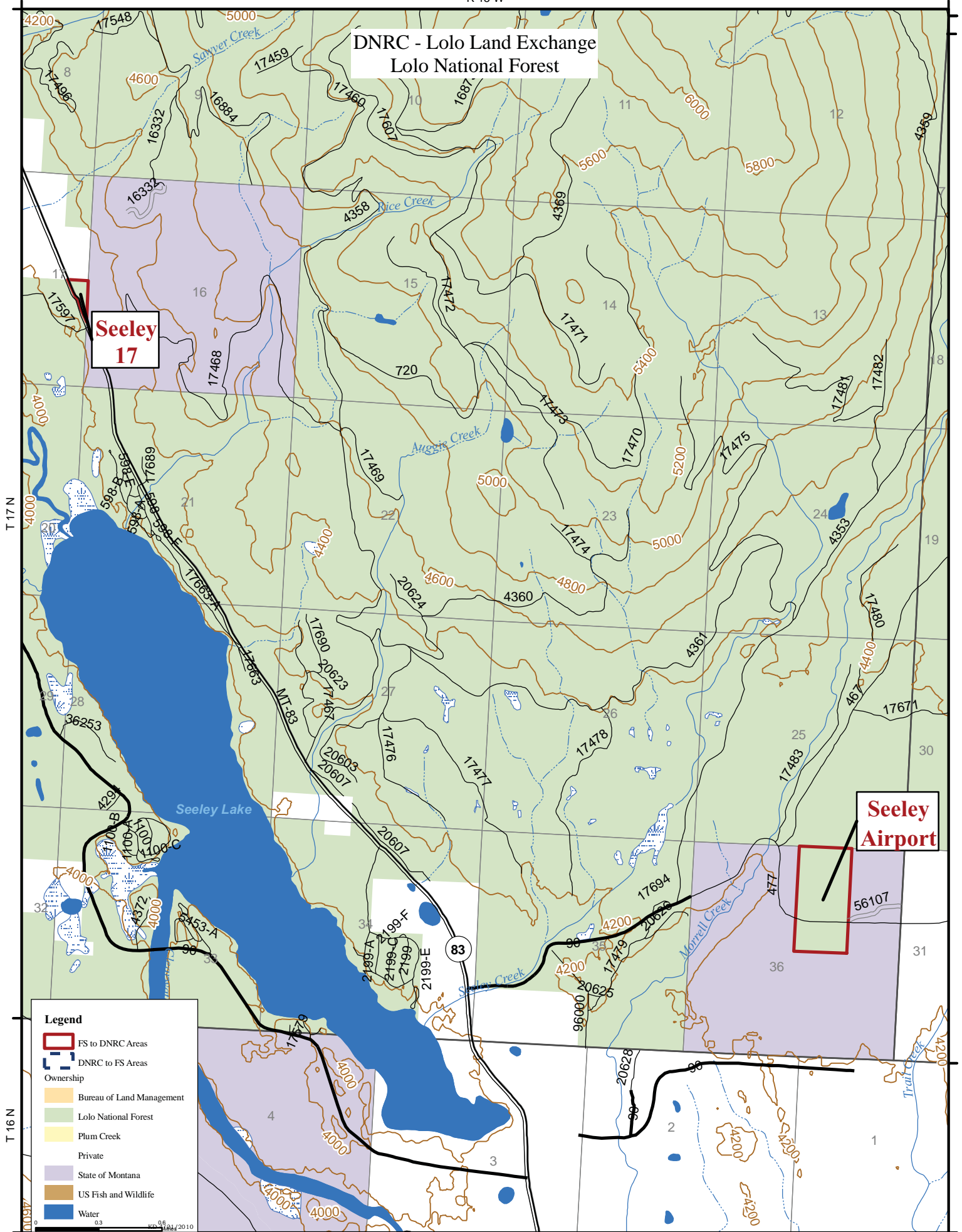
- FS to DNRC Areas
- DNRC to FS Areas
- Ownership**
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

0 0.2 0.4 Miles KD 4/21/2010

T 11 N

T 10 N

DNRC - Lolo Land Exchange Lolo National Forest



**Seeley
17**

**Seeley
Airport**

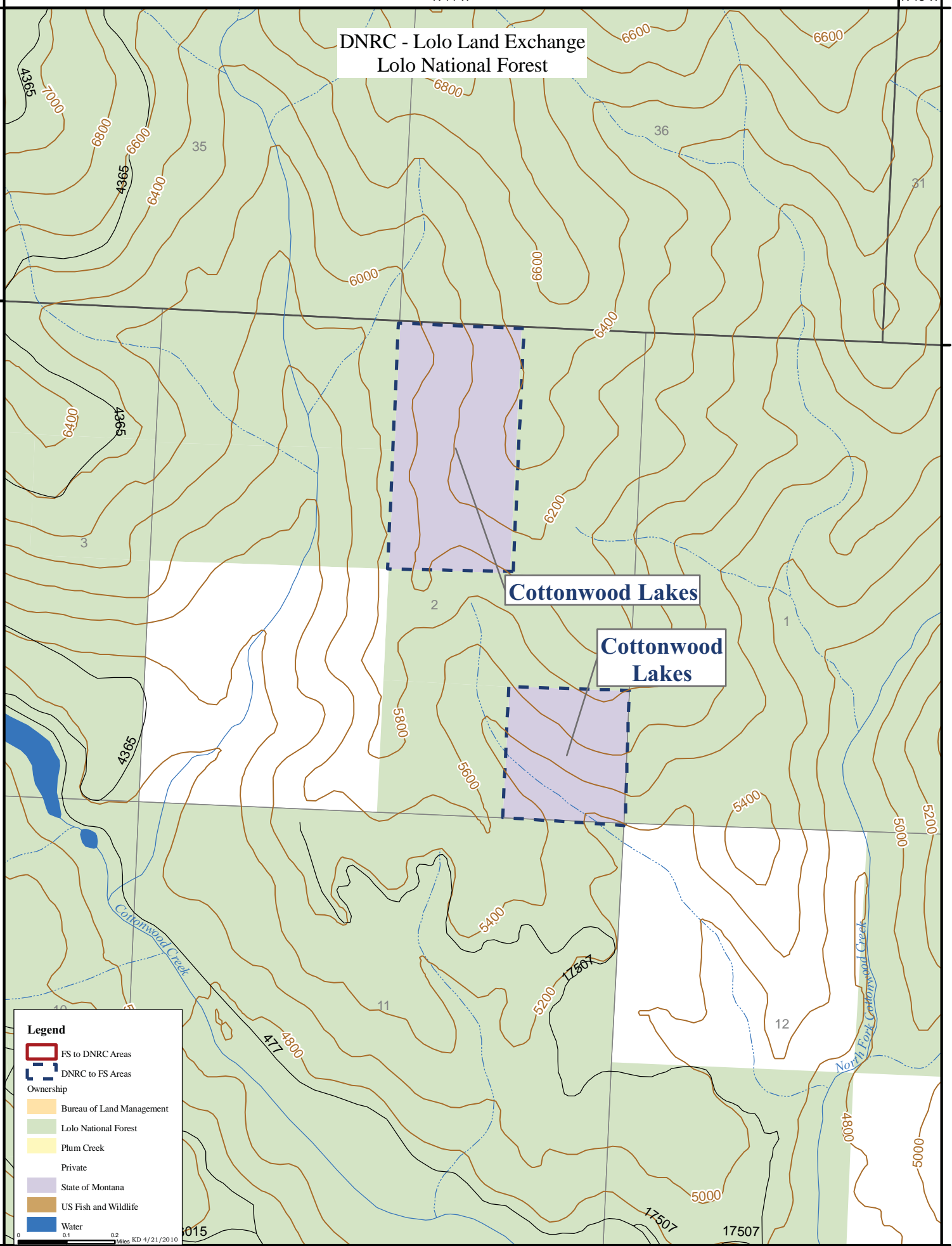
Legend

- FS to DNRC Areas
- DNRC to FS Areas
- Ownership**
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

DNRC - Lolo Land Exchange Lolo National Forest

T 17 N

T 16 N



Cottonwood Lakes

Cottonwood Lakes

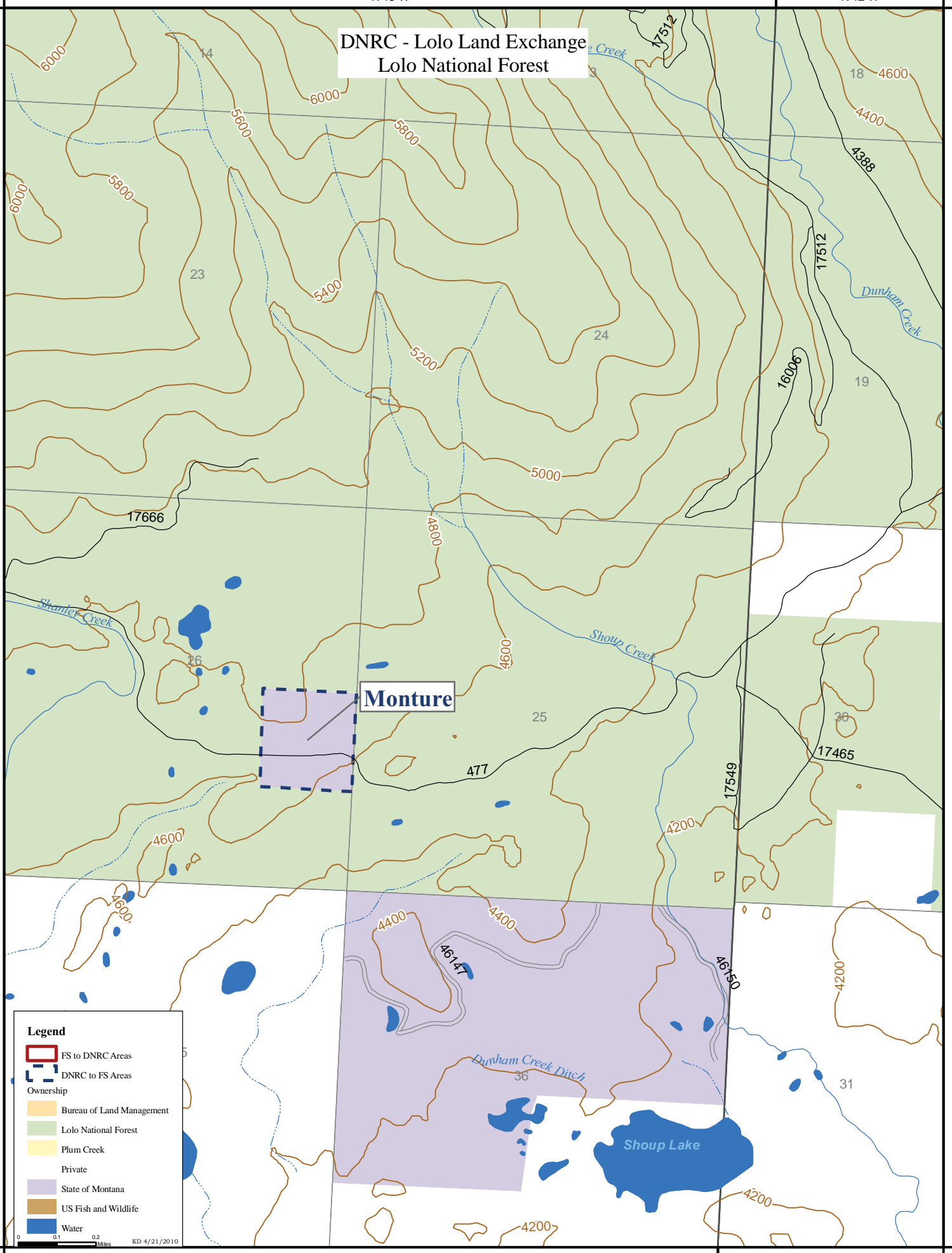
Legend

- FS to DNRC Areas
- DNRC to FS Areas
- Ownership**
- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

0 0.1 0.2 Miles KD 4/21/2010

DNRC - Lolo Land Exchange Lolo National Forest

T 16 N



Legend

- FS to DNRC Areas
- DNRC to FS Areas

Ownership

- Bureau of Land Management
- Lolo National Forest
- Plum Creek
- Private
- State of Montana
- US Fish and Wildlife
- Water

APPENDIX B – Response to Comments

Comments are arranged based on the date they were received. Issues have been identified from each submitted comment.

Comment 1- Utility Corporation

Issue 1-1: Would like existing “Special Use Permits and Authorization to be converted to easements prior to the land exchange”.

Response 1-1: The current use is authorized under a master special use permit. The FS will follow manual direction as outlined in FSM 2711.4 for utility authorizations. The current permit would be amended to reflect any changes in authorized use resulting from this land exchange. This proposed exchange is between two land management agencies that authorize utility use.

Issue 1-2: The present proposal states that such permits/authorizations will be terminated by the Forest Service upon closure of the exchange and that DNRC would then issue a lease or permit for the same purpose on the same site. Easements grant a more permanent right than leases or permits and therefore are preferable for these important facilities.

Response 1-2: Special uses and outstanding rights would follow respective agency authority at the time of title conveyance in proceeding with reissue, renewal, conversion or termination of existing permits, leases and licenses (EA p. 3-20). In this case an existing Special Use Permit would be converted to the appropriate DNRC right-of-way easement. DNRC would issue an interim license at the time of closing for the same use on the same site until the permanent instrument is approved by the Land Board.

Comment 2: Tribal Agency

Issue 2-1: Tribes would like to know if any lands that are either coming into Lolo NF possession or going out of possession have had a cultural resource survey done.

Response 2-1: Cultural resource surveys were completed on exchange lands (see EA p. 3-13 which summarizes the findings of the completed Heritage Resource Inventory). The complete Heritage Resource Inventory is in the Project File.

Issue 2-2: How do we mitigate cultural resources that may go out of our Federal Possession?

Response 2-2: EA p. 3-13 states that five heritage properties were identified and only one was eligible for the National Historic Register. Following the exchange, the DNRC Archeologist will coordinate with the Montana Historic Preservation office (MTSHPO) prior to any activities occurring around the one eligible site.

Issue 2-3: Can you have your Cultural Resource Specialist/Archeologist meet with us?

Response 2-3: EA p. 3-2 states consultation with the MTSHPO and Confederated Salish and Kootenai Tribal Preservation Office was completed and documentation is contained in the Project File. In addition the Forest Archeologist contacted the Tribal Preservation Office to discuss the above issues.

APPENDIX B – Response to Comments

Comment 3: County Government

Issue 3-1: We have several concerns with the proposed exchange of the parcel identified as Colma Gulch, specifically the parcel does not appear to meet the criterion set forth by DNRC for identifying lands suitable for exchange.

Response 3-1: Disposal of Colma Gulch by DNRC meets the criterion for exchanges. DNRC currently does not have legal access to this parcel (EA Appendix E). Timber management of this parcel may have visual quality conflicts as a large portion of the parcel is on the I-90 face. Administrative costs associated with managing this type of parcel would be higher (EA p. 3-21) as the parcel is adjacent to FS, small private, and Bureau of Land Management (BLM) lands.

Issue 3-2: It is immediately apparent that not a single county government was contacted or consulted in development of this proposal.

Response 3-2: Table 1-5 Public Involvement Timeline (EA p.1-9) outlines by date the public involvement process including scoping letters, notifications, and news releases. A news release was sent out to the newspapers of record for the 6 counties affected and a preliminary scoping letter was sent to individuals, companies, organizations, and environmental groups. The Montana Congressional Delegation, State Legislators, and affected County Commissioners were notified of the proposed land exchange by letter dated April 5, 2005. Several meetings with some county commissioners were held to discuss their specific issues. About 25 responses were received and were used in developing alternatives. In addition DNRC will conduct public hearings, tentatively scheduled between May 4 and 12, 2010, as required by state law prior to a decision being made.

Issue 3-3: Request an opportunity to meet with the Lolo National Forest and DNRC personnel.

Response 3-3: Lolo National Forest and DNRC personnel met with the Granite County Commission on December 4, 2006. Several topics were discussed in relation to the proposed land exchange, but the key focus of the meeting was the proposed transfer of the Colma Gulch parcel from the DNRC to the Lolo NF. Documentation of the meeting is contained in the Project File.

Comment 4: Ranger District

Issue 4-1: Concern regarding foreseeable actions related to the Seeley Airport parcel. We should somehow allude to the speculation.

Response 4-1: Reasonably foreseeable activities are outlined on EA p. 3-3 and in the Project File. The adjacent state land has several use licenses and use proposals including community trail projects, rifle range use, proposed fisheries easement, and waste water treatment facility. DNRC views the NF lands in the exchange as primarily valuable for the long-term revenue production from forest management activities (Project File letter 6/30/2004). Under the exchange proposal the NF will reserve two recreation trails to ensure public use can continue (EA p.3-6 and Appendix E, p 8). Any development proposal by DNRC would be regulated by the DNRC Real Estate Management Plan and Record of Decision (07/18/2005). The plan has criteria for DNRC activities but suggest that in rural locations development activities only be considered

APPENDIX B – Response to Comments

if they would not promote leapfrog or strip developments. Whenever possible, DNRC is to promote conservation opportunities to protect conservation values and seek to maintain traditional uses and revenues of the land. DNRC is legally compelled to conduct environmental analysis and public participation of proposed management actions consistent with state laws. Decisions regarding permanent dispositions of state trust lands are reserved to the State Board of Land Commissioners (Land Board).

Comment 5: Company

Issue 5-1: We emphasize the importance of retaining and obtaining the necessary access easement by both agencies on the exchange parcels involved so as to allow all proposed management plans. We would hope and encourage both agencies utilize the full advantage of this exchange in consolidation of land and access routes to capitalize on additional forest management opportunities in all areas

Response 5-1: The Purpose and Need (EA p. 1-2) discusses consolidation or improvement of land ownership patterns to reduce inefficiencies associated with management. The Forest Service will reserve or acquire easements from DNRC for identified Forest system roads and trails. DNRC will retain an interest or acquire easements from the Forest Service for identified Forest roads (EA p. 1-3). This is outlined in the Access Summary in Decision Notice Appendix E. The transportation analysis is discussed under access management on EA p. 3-3.

Issue 5-2: Please more clearly explain the details of how this exchange will be executed in 2 phases and why this avenue was chosen? When is closure for Phase II scheduled?

Response 5-1: In 2006 when the EA was issued, the Blazing Saddles Timber Sale was under contract on several parcels in the exchange. The decision was made to not hold up the entire exchange but to close in two distinct phases (EA p. 1-3). The NF parcels associated with the timber sale were identified for Phase II and are listed in Table 1-4 on EA p. 1-7. However, while the original intent was to execute the exchange in two phases, four years have passed since the EA was issued and implementing the exchange in two phases is no longer necessary.

Comment 6: Non-Profit Group

Issue 6-1: The EA does not provide the criteria used to identify the selected and offered parcels.

Response 6-1: EA p. 1-1 and 1-2 provide background information and history regarding general selection of parcels for the exchange, including that NF and DNRC parcels selected for exchange be adjacent to each agencies existing ownership. EA p. 2-2 states the Lolo National Forest Plan (Appendix I, pages I-1 and I-2 (1986)) provides guidance for land ownership adjustments. The Forest Plan guidelines for acquisition and disposition of lands provide the primary criteria. As a state government agency, DNRC is required to follow state policy set by the Board of Land Commissioners that includes seven criteria for land exchanges (EA p. 2-2). Proposed parcels were screened for Forest Plan consistency, land adjustment goals, and to identify resource concerns by Ranger District. Rangers, District Resource Staff, Forest Program Officers, Forest Wildlife Biologist, Forest Fisheries Biologist and Forest Hydrologist provided screening input (Project File). A feasibility analysis including initial value consultation was completed to ensure

APPENDIX B – Response to Comments

this was a viable exchange proposal. This project proposal was reviewed by the Region One Lands Program Manager and the National Land Adjustment Team (Project File).

Issue 6-2: In sum, nine out of a total 37 DNRC parcels would not improve, and in some cases worsen, NF land ownership patterns.

Response 6-2: DN Appendix A map ownership layers have been updated based on recent land adjustments. The lands adjacent to the Monture parcel have been purchased by the Lolo National Forest from the Nature Conservancy (TNC). The lands adjacent to the cottonwood lakes parcels were acquired from TNC in 2008. The lands adjacent to the Tarkio parcel were acquired by DNRC from Five Valleys Land Trust in 2008.

Issue 6-3: Acquisition of DNRC lands abutting Plum Creek lands is not in the public interest.

Response 6-4: The Lolo NF's interest and the purpose of this exchange is to acquire isolated in-holdings to consolidate or improve NF land ownership patterns (EA p. 1-2). Acquiring parcels adjacent to Plum Creek would consolidate federal ownership and partially solves some in-holding problems that would reduce administration costs (EA p. 3-21). Acquisition of these parcels would also be proposed as to benefit resources (e.g., river or stream frontage).

Comment 7: Individual

Issue 7-1: Because of the fear of fire in our area, I hope the NFS will take this under consideration. We land owners have spent a lot of time and money to clear our property of brush and down and dead wood. I would be in favor of this taking place on the (exchange) sections near homes in our area.

Response 7-1: Lands acquired by the NF would be managed according to direction in the Lolo National Forest Plan and all guiding laws and regulations (EA p. 2-2 to 2-4 and p. 3-3). Management area designation for this parcel if acquired would not preclude fuels reduction treatments (EA Table 2-2 p. 2-3 and Appendix I).

Issue 7-2: Concern deals with the development of trails on NFS lands. If trailheads are built, they should not be condemning or accessing through private property. I would prefer access to the National Forest lands be limited because of the danger of fires.

Response 7-2: There are no current plans to develop additional trails in this area. Reasonable foreseeable activities have been outlined (EA p. 3-3). In the event trail access is needed the Lolo NF would look to acquire access through existing public rights-of-way or acquire legal easements. Condemnation is seldom used for minor trail access and would require approval by the Secretary of Agriculture. The public can recreate on the NF providing they comply with laws and regulation and have legal access. The Forest Supervisor can impose fire restrictions and closure orders when in the interest of resource protection or public safety.

Comment 8: Non-Profit Group

Issue 8-1: It is the area of Grizzly Bear management outside of the recovery area that is a concern.

APPENDIX B – Response to Comments

Response 8-1: As your letter indicates, the Slowey/FourMile potential linkage zone is currently located outside of grizzly bear recovery areas and occupied grizzly bear habitat. Grizzly bears and other predators such as lynx and wolverine are not present near these portions of I-90 (EA p. 3-8). We understand your concern is in regard to future management. We feel the following items would address this concern:

- The tracts in the Slowey/Fourmile may be included in the DNRC Forest Management Habitat Conservation Plan (personal communication, Mike McGrath, DNRC wildlife biologist). This would provide for habitat protection, however, DNRC can't put tracts into the Habitat Conservation Plan until they own them.
- Any future project on DNRC tracts must go through environmental review and public comment as required under Montana Environmental Policy Act.
- DNRC is willing to consider authorizing conservation easements in this area.
- DNRC indicated that the Slowey/Fourmile area tracts have only a medium potential for development; most of the land in these tracts is not suitable for subdivision because of lack of access, terrain, and difficulty of obtaining water.

Currently the Biological Assessment (EA. Appendix J) by the US Forest Service indicates effects to grizzly bears from Alternative 4 – as “Not Likely to Adversely Affect” and from Alternative 4a – as “No Effect”. The U. S. Fish and Wildlife Service concurred with the finding for the Selected Alternative (Alternative 4) on April 15, 2010.

Issue 8-2: Concerns documented by Chris Servheen PH.D., Grizzly Bear Recovery Coordinator with the U.S. Fish and Wildlife Service, relative to what he considers the best linkage area between Missoula and St. Regis are the basis for our discomfort with the future ownership and management of the parcels in the Slowey/Fourmile area.

Response 8-2: There are two other potential linkage zones identified in the St. Regis area (Saltese/Haugan and Boyd Mountain – EA p. 3-8). DNRC is proposing to exchange land to the NF in the Boyd Mountain potential linkage zone which would allow greater federal management of this area (EA page 1-5 and 1-6 (Boyd 16, 18 & 20, Two Mile) and EA Appendix B Map 4). The wildlife report and analysis outlines the various potential linkage zones (EA p. 3-8 and Project File).

Issue 8-3: The notation that DNRC would most likely include these parcels in a proposed Habitat Conservation Plan does not exactly remove our discomfort.

Response 8-3: This Habitat Conservation Plan is subject to public review and approval by the U.S. Fish and Wildlife Service. In addition DNRC is legally compelled to conduct environmental analysis (MEPA) of proposed management actions consistent with State law (MCA) and Administrative Rules (ARMs). Decisions regarding permanent dispositions of trust lands (exchange, sale, grants of easements) are reserved to the State Board of Land Commissioners (Land Board). DNRC policy and regulatory framework is outlined in Chapter 2 and 3 (EA p. 2-1 to 2-5 and p. 3-1).

Issue 8-4: A new mix of ownership under either Alternative 4 or 4a, wherein DNRC would be a larger stakeholder, could clearly make such a challenge nearly insurmountable.

APPENDIX B – Response to Comments

Response 8-4: The Slowey/Four Mile area is a challenge to manage as a functional linkage zone due to numerous impediments including the I-90 corridor, the MRL railroad line, various roads, adjacent private land, and close proximity to the St. Regis community. DNRC is currently a major landowner along the I-90 corridor in the Slowey/Four Mile area (EA Appendix B, Map 9). Whenever possible, DNRC is to promote conservation opportunities to protect conservation values and seek to maintain traditional uses and revenues of the land

Comment 9: County Government

Issue 9-1: We commend the DNRC and Lolo National Forest for the significant effort and time it took to create an equitable land exchange between agencies. The consolidation of ownership will help to reduce the checkerboard landownership patterns that occur in parts of the county, creating opportunities to apply more suitable and consistent land use practices across the landscape.

Response 9-1: Thank you for your support and understanding of management implications related to the current mixed ownership patterns. The project purpose and need (EA p. 1-2) outline the inefficiencies associated with management of the current ownership pattern. Projected administrative savings and benefits are discussed in Chapter 3 (EA p. 3-21).

Issue 9-2: The EA identified many of these parcels having unique values and functions and it is our hope that lands acquired by the Lolo NF will be managed in ways to preserve these unique qualities.

Response 9-2: In general the land acquired by the Lolo NF would be managed per direction in the Lolo National Forest Plan. Management Areas (MAs) would be assigned to the acquired lands (see DN Table 6). For additional information, the EA discusses the Forest Plan and outlines potential management area assignments for the existing plan and MAs under the proposed Forest Plan revision (EA p. 2-2 to p.2-4 and Appendix I). Individual resource analysis summaries for recreation, fisheries, watersheds, and wildlife are included in EA Chapter 3. Complete resource specialist reports are contained in the Project File.

Issue 9-4: Concerned, however about the Deer Creek parcel, identified in the EA as a suitable timber production site...If DNRC continues to manage this land for timber production we are concerned what impacts this will have on water quality in Deer Creek and its associated watershed. We hope you carefully consider water quality issues when deciding how to best utilize the parcel.

Response 9-4: Water quality and watershed protection are important resource concerns and both agencies follow their respective laws, regulations and policy. DNRC and the Forest Service are subject to the Streamside Management Zones Law and Montana Best Management Practices (EA p. 3-11). Prior to timber management activities occurring, DNRC is obligated to comply with the provisions of the Montana Environmental Policy Act (MEPA) including an analysis of potential impacts to watersheds. DNRC has riparian management guidelines as referenced in the water resources report with supplements (Project File). In May of 1996 DNRC adopted the State Forest Land Management Plan to address forest management (including timber sales) on school trust lands (EA p. 2-4). In March 2003 much of the direction provided in the plan (standards and guides) was legally adopted as Administrative Rules of Montana (ARM's

APPENDIX B – Response to Comments

36.11.401-36.11.450). DNRC is committed to comply with state water quality standards and maintain beneficial uses.

Comment 10: Non-Profit Group

(comments postmarked and received after the 60-day comment period)

Issue 10-1: We strongly believe that wildlife and wildlife connectivity should be prioritized in this project.

Response 10-1: Wildlife corridors (linkage zones) were identified as key issues in scoping (EA p. 1-9). The EA evaluated the potential effects of the proposed land exchange and the No Action Alternative on the quality of five potential linkage zones modeled by Servheen et al. (2004) along I-90 in Mineral County. The land exchange will have no direct or indirect impact on landscape linkage or on the quality of the potential linkage zones. All lands would remain under public ownership, with future planned activities subject to environmental review.

The areas identified in the analysis were: Saltese/Haugan, Boyd Mountain, Slowey/Fourmile, Quartz, and Tarkio (Wildlife Specialist Report, p. 60 – 62 and Biological Assessment). In the Saltese/Haugan and Quartz areas, none of the Lolo NF land directly adjacent to I-90 is proposed for exchange. In fact, a large contiguous block of Forest Service land adjacent to I-90 for about 3 miles would remain under federal ownership in the Saltese/Haugan area.

The Tarkio area is primarily comprised of DNRC and private land. While a small, 110-acre Lolo NF parcel is included in the exchange, there is already a new subdivision on private land in the area and another is proposed on a tract that Plum Creek Timber Company recently sold.

While the Selected Alternative includes the disposal of Lolo NF parcels in the Slowey/Fourmile area, this area is not within any grizzly bear recovery area and is not within occupied grizzly bear habitat.

The Boyd Mountain linkage zone has the highest percent of Lolo NF ownership of the five linkage zones addressed in this analysis. In the Selected Alternative, the Lolo NF will acquire about 1,753 additional acres in this linkage zone which will bring almost the entire linkage zone into federal ownership allowing greater control of this zone (EA page 1-5 to 1-6 (Boyd 16, 18, and 20 and Two Mile) and Appendix A Map 7)

Of note, the Nature Conservancy acquired 40,945 acres of important wildlife linkage habitat in the Fish Creek drainage that will preserve wildlife linkage across I-90 in the Tarkio area. The State Department of Fish, Wildlife, and Parks has proposed to purchase these lands and has drafted a Management Plan that addresses wildlife linkage as one of the highest priorities for protection.

Additional information is contained in the wildlife section of the EA (p. 3-8), the wildlife specialists' report, biological assessment and DN.

Issue 10-2: We remain concerned about several parcels, however, that are currently managed by the USFS and would be exchanged to the State, including a portion of sections 3 and 4 (T15N,R25W) in Cayuse Creek, which is located in a wildlife movement corridor identified by the Mineral County Working Group.

APPENDIX B – Response to Comments

Response 10-2: The Cayuse Creek area is part of the Slowey/Fourmile area (also called Red Hill and Cold Creek) (EA p. 3-8). As discussed above, information about this potential linkage zone is contained in the wildlife section of the EA, the wildlife specialists' report, biological assessment and DN.

Issue 10-3: Although some sections in the Mill/Fourmile are left out of Alt. 4a, section 34 and 35 are located within a wildlife movement corridor. (We) request that these additional areas are removed from exchange or an agreement is made with the State that they will be managed for wildlife movement.

Response 10-3: DNRC is currently a major landowner along the I-90 corridor in the Slowey/Four Mile area (EA Appendix B Map 9). Viability of the potential linkage zone is already highly dependent on DNRC land management. The wildlife assessment included several DNRC land management scenarios including potential development. Based on foreseeable actions and discussions with DNRC, the probability that these tracts would be in the Habitat Conservation Plan (HCP) and managed primarily for timber production is estimated to be fairly high (Project File). Foreseeable actions other than timber and resource management have only been identified on the Seeley 17, Houle Creek, and Seeley Airport parcels outside of this potential linkage zone (EA p. 3-3). Whenever possible, DNRC is to promote conservation opportunities to protect conservation values and seek to maintain traditional uses and revenues of the land.

The Selected Alternative addresses effects on grizzly bear habitat by increasing the acreage and quality of grizzly bear habitat within the Cabinet Yaak Ecosystem (CYE) on National Forest System lands, and producing a beneficial effect within the recovery area. While exchanging parcels in the Quartz and Slowey/Fourmile potential linkage zones could result in possible habitat declines, the Selected Alternative will improve the quality of the Boyd Mountain potential linkage zone which will have the highest percentage of Lolo NF ownership of the five potential linkage zones discussed in this analysis allowing greater federal control of this area (EA p. 1-5 to 1-6 and EA p. 3-9).

Comment 11: County Road Department
(comment received after the 60-day comment period)

Issue 11-1: DNRC acquisition of the Micayune Pit in Graham Mtn 15 is expected to be an economic burden to the county road department.

Response 11-1: While the Selected Alternative does not include exchanging Graham Mtn. 15, which includes the Micayune Pit, this issue was addressed on EA p. 3-20. The EA stated that the current special-use authorization would be converted to a lease under DNRC administration, although there would be a change in fee schedules with the change in ownership. DNRC and Forest Service staff met with the County Commission on May 7, 2007 and discussed several options that could minimize the burden to the county and not alter the exchange proposal (documentation is contained in the Project File). Also, refer to response 14-2 below.

Comment 12: County Museum and Historical Society Road
(comment received after the 60-day comment period)

APPENDIX B – Response to Comments

Issue 12-1: The museum has no objections to the land trade as long as we are notified of any logging or road re-construction in the Mullan Road Area.

Response 12-1: The Heritage Resource report identified the historical character of the Mullan road and DNRC has acknowledged this as a resource of concern. The DNRC Archeologist will coordinate with MTSHPO regarding management activities occurring on or around this site (EA p. 2-7 and 3-13).

Comment 13: Individual
(comments received after the 60-day comment period)

Issue 13-1: The DNRC needs to retain the same road condition closure categories for protection of wildlife, control of trespass and help control the spread of noxious weeds.

Response 13-1: No new road closures will occur with this project (EA Table 2-3). Access management and the transportation assessment are contained in the EA (p. 3-3 to 3-5). Decision Notice Appendix E contains the road conveyance and access summary by exchange parcel.

Issue 13-2: Alternative 4a must be the alternative used if the trade is done at all. Linkage zones were considered next to the interstate highway in the Slowey/Fourmile area. Animals need the space adjacent to these areas as movement areas as well. The East ½ of Sec.33 and Sec.9 must be withdrawn from the exchange to provide a movement corridor away from the highway.

Response 13-2: A range of alternatives, which included Alternative 4a: Linkage Zones, was developed and analyzed in detail (EA p. 2-5). Alternative 4a excluded 3 parcels, 2 of which are adjacent to the I-90 corridor and include section 9. Please see responses 10-1 through 10-3 above.

Comment 14: County Government
(comments received after the 60-day comment period)

Issue 14-1: The County Commission has just recently been made aware of the inclusion of the area encompassing the Micayune Gulch gravel pit in the Lolo Forest/DNRC Land Exchange currently being finalized between the USFS and the State of Montana, and our objections could not be more serious.

Response 14-1: As discussed in response 11-1 above, while the Selected Alternative does not include exchanging Graham Mtn. 15, which includes the Micayune Pit, this issue was addressed on EA p. 3-20. The EA stated that the current special-use authorization would be converted to a lease under DNRC administration, although there would be a change in fee schedules with the change in ownership. DNRC and Forest Service staff met with the County Commission on May 7, 2007 and discussed several options that could minimize the burden to the county and not alter the exchange proposal (documentation is contained in the Project File).

Issue 14-2: Losing this source of no or low cost sand and gravel would add a significant financial burden on an already struggling county road department.

APPENDIX B – Response to Comments

Response 14-2: The Selected Alternative does not include exchanging Graham Mtn. 15, which includes the Micayune Pit. The Forest Service and DNRC recognize the concern of the county regarding the pit being associated with this proposed exchange and the potential for a change in use fees. Please see response 11-1 above.

Issue 14-3: We request the USFS retain this parcel and continue the current agreement with the county.

Response 14-3: The Selected Alternative does not include exchanging Graham Mtn. 15, which includes the Micayune Pit. Please see response 11-1 and 14-2 above.

APPENDIX C – Listing and Disposition of Encumbrances on the Lands Being Exchanged

Termination and Modifications of Special Use Permits

Special use occurred on lands being conveyed by the Forest Service to the State of Montana will be managed as follows:

Special Use Permit PLA42 to Northwest Energy Corporation for an overhead powerline line. Permit will be amended to exclude portions on lands conveyed to the State of Montana. Graham Mtn. 33, Pardee 14, Fourmile 9, St. Regis Beacon 28, N. Deborgia. The State of Montana will issue an interim license, pending Land Board approval of final easement.

Special Use Permit MIS66 to AT&T for a fiber optic line. Permit will be amended to exclude portions on lands conveyed to the State of Montana. Graham Mtn 15, 33, Fourmile 5, Deerhorn. The State of Montana will issue an interim license, pending Land Board approval of final easement.

Special Use Permit SUP31 to BTC Inc. for an overhead and buried cable/fiber optic line. Permit will be amended to exclude portions on lands conveyed to the State of Montana. Pardee 9,14, Fourmile9, N. Deborgia, Haugen 16,17. The State of Montana will issue an interim license, pending Land Board approval of final easement.

Special Use Permit 4965-01 issued to Missoula Electric Company for overhead/buried powerlines. Permit will be amended to exclude portions on lands conveyed to the State of Montana. Graham Mtn. 15, Tarkio. The State of Montana will issue an interim license, pending Land Board approval of final easement.

Special Use Permit SUP59 issued to Montana Department of Transportation – Highway Division for a base radio and repeater site. St. Regis Beacon 28. Permit will be terminated, State of Montana will issued a 10 year license at closing.

Special Use Permit SUP64 issued to Montana Department of Transportation – Aeronautics Division for an airway beacon. St. Regis Beacon 28. Permit will be terminated, State of Montana will issued a 10 year license at closing.

Special Use Permit SUP29 issued to Denley Loge for a water line. Burr Saddle, Fourmile 33. Permit will be terminated. The State of Montana will issue a five year intermin license.

Special Use Permit 701 issued to Denley Loge for cultivation. Burr Saddle. Permit is currently expired. The State of Montana will issue a license at closing.

A grazing permit 701 for the Fourmile Allotment issued to Denley Loge. Fourmile 9, 10, 33, 35, Mill Creek 21, 22, Burr Saddle, St. Regis 28, 29. Forest service permit currently expired. Permit will be amended to reflect change. The State of Montana will issue a grazing license.

A grazing permit 401 for the Edith/Six Mile Allotment issued to JW Boyer. Houle Creek. Forest service permit currently expired. Permit will be amended to reflect change. The State of Montana will issue a grazing license.

APPENDIX C – Listing and Disposition of Encumbrances on the Lands Being Exchanged

Authorizations on lands being conveyed by the State of Montana to the Forest Service will be managed as follows:

Lease #3062387 issued to Montana Fish Wildlife and Parks for a public campground and fishing access site. Rock Creek. The Forest Service will issue a Special Use Authorization.

License SWLO-RU3-006 issued to the Rich Ranch. Rock Creek. The Forest Service will issue a temporary Special Use Authorization.

Termination and Modification of Grazing Permits and/or Licenses

Neither the State of Montana or the Forest Service is obligated to issue a grazing authorization to an existing Forest Service permittee or State of Montana lessee, respectively, upon consumation of the land exchange; however, the agencies will complete appropriate analyses to determine whether to continue the use by the previous permittee or lessee.

Grazing License #3061146 to Denley Loge for grazing. Cutoff 10. License is currently expired. The Forest Service will issue a temporary Special Use Authorization .

Grazing License #3062551 to Robert and Nicola Clyde for grazing. Mayo 18. License will be terminated. The Forest Service will issue a temporary Special Use Authorization.

Grazing License #3011133 to Scott Tucker for grazing. Rock Creek. License will be terminated. The Forest Service will issue a temporary Special Use Authorization.

Grazing License # 3060907 issued to Donald and Gail Nevin for grazing. Grant Creek. License will be terminated. The Forest Service will issue a temporary Special Use Authoriztion.

Grazing License #3060122 issue to Thomas Scheffer for grazing. Corral Creek. License will be terminated. The Forest Service will issue a temporary Special Use Authorization.

Grazing License #3062936 issue to Michael and Jan Sousa for grazing. Butler Creek. License will be terminated. The Forest Service will issue a temporary Special Use Authorization.

APPENDIX D – Left Blank Intentionally

APPENDIX E - Access Summary and Acceptance Document

Access Summary and Acceptance Document

Prepared by

Mark Petersen, Bob Storer, Dana Boruch, Cameron Crenshaw,
Jennifer Watson

Reviewed and Accepted:

STATE OF MONTANA- DNRC

By: Anthony L. Liane Date: 5/27/2010
Anthony L. Liane
Area Manager
Southwest Land Office

UNITED STATES OF AMERICA- USDA Forest Service

By: Deborah L.R. Austin Date: 5/25/10
Deborah L.R. Austin
Forest Supervisor
Lolo National Forest

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Forest Service to DNRC

Parcel Name	Township/Range P.M.M.	** Access Action Required**
Graham Mtn2	T. 15 N.,R 25 W.	No action required
Graham Mtn3	T. 15 N.,R 25 W.	No action required
Graham Mtn4	T. 15 N.,R 25 W.	No action required
Graham Mtn10 Graham Mtn11	T. 15 N., R. 25 W	<p>FS to Convey: Nemote Creek Rd. No. 454 over and across SW¹/₄SW¹/₄ Sec. 14.</p> <p>Quartz Pasture Rd. No. 7751 over and across Lot 5, SE¹/₄SE¹/₄ Sec. 9 and the NW¹/₄NW¹/₄ sec. 15.</p> <p>Micayune Gulch Rd. No. 9906 over and across SW¹/₄SW¹/₄ Sec. 14, and the SE¹/₄SE¹/₄,SW¹/₄SE¹/₄ SE¹/₄SW¹/₄,NE¹/₄SW¹/₄, NW¹/₄SW¹/₄, SW¹/₄NW¹/₄ SE¹/₄NW¹/₄ , NE¹/₄NW¹/₄ , NW¹/₄NW¹/₄ sec. 15.</p> <p>DNRC will Convey: Road No. 7751 over and across subject lands in the SW¹/₄SW¹/₄ sec. 10</p>
Tarkio	T. 15 N., R. 25 W	<p>FS to Convey: Ronck Road No. 18014 over and across lands in the NE¹/₄SE¹/₄, SE¹/₄SE¹/₄ sec.27 and the NE¹/₄NE¹/₄ sec. 34.</p> <p>Cost-Share Supplement Required: For adjacent tributary State Land</p>
First Creek	T. 16 N.,R. 25 W.	No action required
Graham Mtn33	T. 16 N.,R. 25 W.	No action required
Pardee 9 Pardee 10 Pardee 11 Pardee 14 Pardee 15	T. 17 N.,R 26 W	<p>FS to Convey: Parker Rd. No. 7872 over and across SW¹/₄NE¹/₄, NW¹/₄SE¹/₄, SW¹/₄SE¹/₄, Sec. 11. Woodcutter Rd. No. 16968 over and across SW¹/₄NE¹/₄ Sec.11</p> <p>Flat Creek Road #194 over and across SW¹/₄NE¹/₄, NW¹/₄NE¹/₄, NE¹/₄NE¹/₄ Section 27, SE¹/₄SE¹/₄, NE¹/₄SE¹/₄ Section 22, Lot 2, NW¹/₄SW¹/₄, SW¹/₄NW¹/₄, MS 5464 Section 23, MS 5464 Sec. 14</p> <p>Road #37158 over and across NE¹/₄SE¹/₄, SE¹/₄NE¹/₄,NW¹/₄NE¹/₄, NE¹/₄NE¹/₄, Section 22 T.17N., R.26W.</p> <p>DNRC will Convey: East Side Pardee Road No. 7871 over and across subject lands in the SW¹/₄NE¹/₄, SE¹/₄NE¹/₄, NE¹/₄SE¹/₄, NW¹/₄SE¹/₄, SW¹/₄SE¹/₄, SE¹/₄SE¹/₄ sec. 9</p> <p>Road No. 16947 over and across subject lands in the NE¹/₄NE¹/₄, NW¹/₄NE¹/₄, SW¹/₄NE¹/₄, SE¹/₄NW¹/₄, SW¹/₄NW¹/₄ sec. 10</p> <p>Woodcutter Rd. No. 16968 over and across NE¹/₄NW¹/₄, SE¹/₄NW¹/₄ Sec. 11.</p> <p>Parker Rd. No. 7872 over and across NE¹/₄SW¹/₄, NW¹/₄SW¹/₄, SE¹/₄SW¹/₄, Sec.</p>

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		<p>11</p> <p>East Side Pardee Road No. 7871 over and across subject lands NE¹/₄NW¹/₄, SE¹/₄NW¹/₄, NE¹/₄SW¹/₄, NW¹/₄SW¹/₄ Section 11 NE¹/₄NW¹/₄, NW¹/₄NW¹/₄ Sec. 15.</p> <p>Charette Gulch Rd. No. 7870 over and across subject lands in the NW¹/₄NW¹/₄, SW¹/₄NW¹/₄, NE¹/₄NW¹/₄, SE¹/₄NW¹/₄, NW¹/₄SW¹/₄, SE¹/₄SW¹/₄, NE¹/₄SW¹/₄, SW¹/₄SW¹/₄ sec. 15.</p> <p>Road No. 37158 over and across subject lands in the SW¹/₄SE¹/₄ sec.15.</p> <p>Current Cost-Share Supplement in place. (No Additional Supplements required)</p>
<p>Fourmile 5 Fourmile 9 Fourmile 10</p>	<p>T. 17 N., R. 27 W.</p>	<p>DNRC will Convey:</p> <p>Mud Lake Road No. 7753 over and across the subject lands in the NW¹/₄NE¹/₄, SW¹/₄NE¹/₄, SE¹/₄NW¹/₄, SE¹/₄NE¹/₄ sec. 9 and in Lots 1, 2, and 3, sec. 10.</p> <p>Road No. 18615 in the NE¹/₄NE¹/₄, NW¹/₄NE¹/₄ sec. 9 and NW¹/₄NW¹/₄ sec.10</p> <p>Road no. 61102 (Milwaukee, St. Paul & Pacific Railroad right-of-way) over and across subject land in the NW¹/₄NW¹/₄, NE¹/₄NW¹/₄, SE¹/₄NW¹/₄, SW¹/₄NE¹/₄ sec. 5</p> <p>Road no. 67033 in the SW¹/₄SW¹/₄ sec. 9.</p> <p>No Additional Cost-Share Supplements required.</p>
<p>Mill Creek 21 St.RegisBeacon 28</p>	<p>T. 18 N., R. 27 W</p>	<p>DNRC will Convey:</p> <p>Mill Creek Trail no. 1718.1 over and across the subject lands in the NE¹/₄SW¹/₄, NW¹/₄SW¹/₄, SE¹/₄SW¹/₄, SW¹/₄SE¹/₄, SE¹/₄SE¹/₄, sec. 21, and SE¹/₄NW¹/₄ sec. 22.</p> <p>Mill Creek Trail no. 1718.2 over and across the subject lands in the SW¹/₄SE¹/₄ Section 21, NW¹/₄NW¹/₄, SW¹/₄NW¹/₄, SE¹/₄NW¹/₄, NE¹/₄SW¹/₄ Section 27</p> <p>Southside Cutoff Road No. 9113 over and across subject lands in the SW¹/₄NW¹/₄ sec. 21.</p> <p>Burr Saddle Road No. 18524, over and across subject lands in the SW¹/₄SW¹/₄, SE¹/₄SW¹/₄ sec.21, and the NE¹/₄NW¹/₄ Sec. 28, and the SW¹/₄NW¹/₄, SE¹/₄NW¹/₄, NE¹/₄SW¹/₄ Sec. 27.</p> <p>No Additional Cost-Share Supplements required.</p>
<p>Mill Creek 22</p>	<p>T.18 N., R. 27 W.</p>	<p>No action required</p>
<p>Burr Saddle Fourmile 33 Fourmile 34 Fourmile 35</p>	<p>T.17 N., R. 27 W. T.18 N., R. 27 W.</p>	<p>FS to Convey:</p> <p>Fourmile Creek Rd. No. 891 over and across the NE¹/₄NE¹/₄, NW¹/₄NE¹/₄, NE¹/₄NW¹/₄, NW¹/₄NW¹/₄ Sec. 36 T.18N., R.27W, and the SW¹/₄SW¹/₄ Sec. 25, and SE¹/₄SW¹/₄, SW¹/₄SE¹/₄, SE¹/₄SE¹/₄ Sec. 26, T.18N., R.27W.</p> <p>Sloway Creek Rd. No. 389 over and across Lot 1, NE¹/₄NE¹/₄, SW¹/₄NE¹/₄, SE¹/₄NE¹/₄, SE¹/₄NW¹/₄, NE¹/₄SW¹/₄, SW¹/₄SW¹/₄ Sec. 36, T.18N., R.27W. NW¹/₄NW¹/₄, SW¹/₄NW¹/₄ Sec. 1, SE¹/₄NE¹/₄, NE¹/₄SE¹/₄, SW¹/₄SE¹/₄ SE¹/₄SE¹/₄ Sec. 2, Lot 2, NW¹/₄NE¹/₄, NE¹/₄NW¹/₄, Sec. 11, T.17N., R.27W.,</p> <p>Fourmore Rd. No. 7834 over and across NW¹/₄NW¹/₄, SW¹/₄NW¹/₄ Sec. 36, T.18N., R.27W.</p>

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		<p>Slowsouth Rd. No. 18521 over and across NE$\frac{1}{4}$NW$\frac{1}{4}$, SE$\frac{1}{4}$NW$\frac{1}{4}$, SW$\frac{1}{4}$NW$\frac{1}{4}$, NW$\frac{1}{4}$SW$\frac{1}{4}$, SW$\frac{1}{4}$SW$\frac{1}{4}$ Sec. 36, T.18N., R.27W.</p> <p>DNRC will Convey: Four More Road No. 7834, over and across subject lands in Lots 9, 10, 12, sec. 34, SW$\frac{1}{4}$NE$\frac{1}{4}$, SE$\frac{1}{4}$NE$\frac{1}{4}$, NW$\frac{1}{4}$SE$\frac{1}{4}$, NE$\frac{1}{4}$SW$\frac{1}{4}$, NW$\frac{1}{4}$SW$\frac{1}{4}$, SW$\frac{1}{4}$NW$\frac{1}{4}$, SW$\frac{1}{4}$SW$\frac{1}{4}$, sec. 35, T. 18 N., R. 27 W.</p> <p>Road No. 16958 over and across subject lands in lots 9 and 12 Sec. 34, and the SW$\frac{1}{4}$NE$\frac{1}{4}$, NW$\frac{1}{4}$SE$\frac{1}{4}$, NE$\frac{1}{4}$SW$\frac{1}{4}$, NW$\frac{1}{4}$SW$\frac{1}{4}$, SW$\frac{1}{4}$SW$\frac{1}{4}$ sec. 35, T. 18 N., R. 27 W.</p> <p>Fourmile Creek Rd. No. 891 over and across NE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 35 T.18N., R.27W</p> <p>Ashmore Road No. 9919, over and across subject land in Lots 4, 5, 7, 8, 10, 11 sec. 34, Lot 1, NE$\frac{1}{4}$NW$\frac{1}{4}$, SE$\frac{1}{4}$NW$\frac{1}{4}$, SW$\frac{1}{4}$NW$\frac{1}{4}$ Sec. 35, T.18N., R.27W</p> <p>Four Lorn Road No. 18518, over and across subject land in the NE$\frac{1}{4}$SE$\frac{1}{4}$, SE$\frac{1}{4}$SE$\frac{1}{4}$ sec. 33, Lots 2, 3, 4 sec. 34</p> <p>Road No. 18521, over and across subject lands in the SE$\frac{1}{4}$SW$\frac{1}{4}$, SW$\frac{1}{4}$SE$\frac{1}{4}$, SE$\frac{1}{4}$SE$\frac{1}{4}$ sec. 35, T. 18 N., R. 27 W.</p> <p>No Additional Cost-Share Supplements required.</p>
North Deborgia	T. 19 N., R.29 W	<p>DNRC will Convey: Thompson-DeBorgia Road No. 378 over and across subject lands in SE$\frac{1}{4}$NE$\frac{1}{4}$ sec.19.</p> <p>FS to Convey: Road No. 444 over and across SE$\frac{1}{4}$SE$\frac{1}{4}$, NE$\frac{1}{4}$SE, SE$\frac{1}{4}$NE$\frac{1}{4}$, NE$\frac{1}{4}$NE$\frac{1}{4}$ Section 33, SE$\frac{1}{4}$SE$\frac{1}{4}$, NE$\frac{1}{4}$SE$\frac{1}{4}$, NW$\frac{1}{4}$SE$\frac{1}{4}$ Section 28</p> <p>Road No. 1191 NW$\frac{1}{4}$SE$\frac{1}{4}$, NE$\frac{1}{4}$SW$\frac{1}{4}$, SW$\frac{1}{4}$NE$\frac{1}{4}$, SE$\frac{1}{4}$NW$\frac{1}{4}$, NW$\frac{1}{4}$SW$\frac{1}{4}$, SWNW Section 28 , SE$\frac{1}{4}$NE$\frac{1}{4}$, SW$\frac{1}{4}$NE$\frac{1}{4}$, NW$\frac{1}{4}$NE$\frac{1}{4}$, SE$\frac{1}{4}$NW$\frac{1}{4}$, NE$\frac{1}{4}$NW$\frac{1}{4}$, SW$\frac{1}{4}$NW$\frac{1}{4}$, Sec. 29, SE$\frac{1}{4}$NE$\frac{1}{4}$, NE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 30, T.19N. R.29W.</p> <p>Road No. 16585 (land only grant -Raw land conveyance of less than $\frac{1}{4}$ miles over and across NE$\frac{1}{4}$NE$\frac{1}{4}$ Section 30, T.19N., R.29W</p>

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<p>South DeBorgia 31 South Deborgia 35</p>	<p>T.19N. R.29W T.19N., R.30W</p>	<p>FS to Convey: Road No. 1101 over and across NE¹/₄SE¹/₄, NW¹/₄SE¹/₄, SW¹/₄SE¹/₄, SE¹/₄SE¹/₄ Sec. 25, T.19N.,R.30W.</p> <p>Deer Creek Rd. No. 236 over and across NE¹/₄SW¹/₄, NW¹/₄SE¹/₄, SW¹/₄SE¹/₄ Sec.25, T.19N.,R.30W.</p> <p>Road No. 236 over and across MS 6140, Sec. 36, NW¹/₄NW¹/₄ Section 1, NE¹/₄NE¹/₄, SE¹/₄NE¹/₄, NE¹/₄SE¹/₄, SE¹/₄SE¹/₄, SW¹/₄SE¹/₄ Section 2, NW¹/₄NE¹/₄, SW¹/₄NE¹/₄, SE¹/₄NW¹/₄, NE¹/₄SW¹/₄, SE¹/₄SW¹/₄, SW¹/₄SW¹/₄ Section 11, NW¹/₄NW¹/₄, SW¹/₄NW¹/₄ Sec. 14, SE¹/₄NE¹/₄, NW¹/₄SE¹/₄, NE¹/₄SE¹/₄, SW¹/₄SE¹/₄, SE¹/₄SW¹/₄, NE¹/₄SW¹/₄, SW¹/₄NE¹/₄, SE¹/₄NW¹/₄, SW¹/₄NW¹/₄, NE¹/₄NW¹/₄ Sec. 15, NE¹/₄NW¹/₄, SE¹/₄NW¹/₄ Section 22, SE¹/₄SW¹/₄, SW¹/₄SE¹/₄, NW¹/₄SE¹/₄, SW¹/₄NE¹/₄ Sec 10</p> <p>Road No. 18592 SW¹/₄NE¹/₄, NW¹/₄SE¹/₄, NE¹/₄SW¹/₄, SE¹/₄NW¹/₄, NE¹/₄NW¹/₄, NW¹/₄NE¹/₄, NE¹/₄NE¹/₄ Sec. 10, NW¹/₄NW¹/₄ Sec. 11, SW¹/₄SW¹/₄, NW¹/₄SW¹/₄, SW¹/₄NW¹/₄, NW¹/₄NW¹/₄, Sec 2, SE¹/₄SW¹/₄, SW¹/₄SE¹/₄, NE¹/₄SE¹/₄, SE¹/₄SE¹/₄ Sec. 3</p> <p>DNRC will Convey: Mayo Creek Road No. 1101, over and across subject lands in Lot 1, sec. 31, T.19N.,R.29W.</p> <p>Cost-Share Supplement Required: For adjacent tributary State Land.</p>
<p>Haugen 15 Haugan 16 Haugan 17</p>	<p>T.19N., R.30W</p>	<p>FS to Convey: Packer Creek Rd. No. 288 over and across NE¹/₄SW¹/₄, Sec. 16, NE¹/₄NE¹/₄, NW¹/₄NE¹/₄, SE¹/₄NE¹/₄, Sec. 21,</p> <p>Plantation Rd. No. 9114 over and across NE¹/₄NW¹/₄ Sec21,</p> <p>Coopers Hawk Road No. 16161 over and across SE¹/₄SE¹/₄ Sec. 9, SW¹/₄SW¹/₄, SE¹/₄SW¹/₄ Sec. 10</p> <p>DNRC will Convey: Packer Creek Road No. 288, over and across subject land in the SE¹/₄SW¹/₄ sec. 16, and NE¹/₄NE¹/₄ sec. 17</p>

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Haugan 15	T.19N.,R.30W	<p>DNRC will Convey: Cooper's Hawk Road No. 16161, over and across subject land in the NE¹/₄NW¹/₄ sec. 15.</p> <p>Plantation Road No. 9114 SE¹/₄SW¹/₄ Sec. 16</p> <p>Cost-Share Supplement Required: For area tributary to Rd.288.</p>
Deer Creek Pattee Canyon	T.12N., R.18W T.12N., R.19W	<p>FS to Convey: Skyline Drive Rd. No. 2127 over and across lots 3 & 4, and the NW¹/₄NE¹/₄, SW¹/₄NE¹/₄, NW¹/₄SE¹/₄, NE¹/₄SW¹/₄, SE¹/₄SW¹/₄, Sec. 7, T.12N., R.18W., P.M.M., SE¹/₄SE¹/₄ Sec. 12, NE¹/₄NE¹/₄, NE¹/₄SE¹/₄, SW¹/₄NE¹/₄, NW¹/₄SE¹/₄ Sec. 13, T.12N., R.19W., P.M.M.</p> <p>Upper Deer Creek Rd. No. 17121 over and across SW¹/₄NE¹/₄, SE¹/₄NE¹/₄Sec. 13, T.12N., R.19W., P.M.M</p> <p>DNRC will Convey: Skyline Drive Road No. 2127 over and across subject lands in the NW¹/₄SE¹/₄, NE¹/₄SE¹/₄, sec. 18, T. 12 N., R. 18 W., P.M.M.</p> <p>Upper Deer Creek Road No. 17121 over and across subject lands in the NE¹/₄NE¹/₄, NW¹/₄NE¹/₄ sec. 18, T. 12 N., R. 18 W., P.M.M.</p> <p>Road No. 19075 over and across subject lands in the NW¹/₄SE¹/₄, SW¹/₄SE¹/₄, SE¹/₄SE¹/₄ sec. 18, T. 12 N., R. 18 W., P.M.M.</p> <p>Road known as county road 533 over and across NE¹/₄SW¹/₄, SE¹/₄SW¹/₄ Sec. 6 T. 12 N., R.18W.</p> <p>DNRC will convey acquired rights on Road No. 53289 over and across NE¹/₄SE¹/₄, SE¹/₄SE¹/₄, SW¹/₄SE¹/₄, NW¹/₄SE¹/₄, SW¹/₄NE¹/₄, NW¹/₄NE¹/₄, NE¹/₄NW¹/₄, NW¹/₄NW¹/₄ Sec.13 T.12N.,R.19W.</p> <p>DNRC will convey acquired rights on Rd 53291 NE¹/₄NE¹/₄, NW¹/₄NE¹/₄ Sec 13 T.12N., R.19W</p> <p>Cost-Share Supplement Required: For adjacent tributary State Land and Phase 2 Legacy lands.</p>
Seeley 17	T.17 N., R. 15 W.	No action required

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<p>Seeley Airport Snowmobile Trail #1 Morrell Creek #31.1</p>	<p>T.17N.,R.15W</p>	<p>FS to Convey: Cottonwood Lakes Rd. No.477 over and across, SE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 35, SE$\frac{1}{4}$SW$\frac{1}{4}$ Sec. 25.</p> <p>DNRC will Convey: Cottonwood Lakes Road No. 477 over and across subject lands in the SW$\frac{1}{4}$NE$\frac{1}{4}$ sec. 36. Snowmobile Trail #1 over and across SW$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 36 T.17N., R.15 W. Morrell Creek Trail #30.1 over and across NW$\frac{1}{4}$NE$\frac{1}{4}$ Section 36 T.17N., R.15 W.</p> <p>Cost-Share Supplement Required: For adjacent tributary state land and for Forest Service tributary lands</p>
<p>Calico 10 Deerhorn</p>	<p>T. 22 N., R. 27 W T. 23 N., R. 27 W</p>	<p>Access granted through existing Cost-Share Supplements:</p> <ul style="list-style-type: none"> • Deerhorn supplement. • Calico-Weeksville supplement (in final process). <p>DNRC will Convey: Calico-Weeksville Road No. 875, over and across subject lands in the SW$\frac{1}{4}$ NW$\frac{1}{4}$, NE$\frac{1}{4}$SW$\frac{1}{4}$, SE$\frac{1}{4}$SW$\frac{1}{4}$, SW$\frac{1}{4}$SW$\frac{1}{4}$ sec. 10, T. 22 N., R. 27 W. Calico Sidehill Road No. 16596, over and across subject lands in the SE$\frac{1}{4}$SW$\frac{1}{4}$, SW$\frac{1}{4}$SW$\frac{1}{4}$ sec. 10, T. 22 N., R. 27 W. Old Calico Road No. 7572 over and across subject land in the SW$\frac{1}{4}$NW$\frac{1}{4}$, NE$\frac{1}{4}$SW$\frac{1}{4}$ sec. 10, T. 22 N., R. 27 W. Thompson River Road/Forest Highway 56 over and across subject lands in the SE$\frac{1}{4}$SW$\frac{1}{4}$, and SE$\frac{1}{4}$NE$\frac{1}{4}$ sec. 32, T. 23 N., R. 27 W. U.S. Plywood Road No. 9991 over and across subject lands in the SE$\frac{1}{4}$SW$\frac{1}{4}$ sec. 32, T. 23 N., R. 27 W.</p> <p>No Additional Cost-Share Supplements required.</p>
<p>Whitney 12 Whitney 2</p>	<p>T.25N., R.28W</p>	<p>FS to Convey: Elk Creek – Border Peak (McGinnis) Road No.4422 over and across NE$\frac{1}{4}$NE$\frac{1}{4}$, SE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 11, T.25N., R.28W., P.M.M. Whitney Creek Connection Rd. No. 7560 over and across SE$\frac{1}{4}$NE$\frac{1}{4}$, NE$\frac{1}{4}$SE$\frac{1}{4}$, SE$\frac{1}{4}$SE$\frac{1}{4}$Sec. 11, NE$\frac{1}{4}$NE$\frac{1}{4}$, NW$\frac{1}{4}$NE$\frac{1}{4}$, NE$\frac{1}{4}$NW$\frac{1}{4}$, NW$\frac{1}{4}$NW$\frac{1}{4}$ Sec. 13 ending at the east boundary of said section. Rd. no. 17388 over and across NE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 11.</p> <p>FS to Terminate: Rd.7560 beyond trade parcel (in Sections 11 and 13).</p> <p>DNRC will Convey: Elk Creek-Border Peak (McGinnis) Road No. 4422, over and across subject land in the SE$\frac{1}{4}$SE$\frac{1}{4}$ sec. 2, T. 25 N., R. 28 W., P.M.M.</p> <p>Cost-Share Supplement May be Required: For adjacent tributary state land</p>

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DNRC to FS

Parcel Name	Township/Range P.M.M	**Access Action Required**
Needle Peak	T. 14 N., R. 24 W.	No action required
Johnson Gulch	T. 17 N., R. 26 W.	No action required
Marble Creek	T. 17 N., R. 27 W.	No action required
Cutoff 10	T. 18N., R. 27 W	No action required
Cutoff 12	T. 18N., R. 27 W	No action required
Mayo 18	T. 18N., R. 27 W.	<p>DNRC to Convey: Rd.67025 over and across lands in the NE$\frac{1}{4}$SW$\frac{1}{4}$, SE$\frac{1}{4}$SW$\frac{1}{4}$ sec.18</p> <p>DNRC will convey acquired rights across Lot 2, and the SE$\frac{1}{4}$NW$\frac{1}{4}$ sec. 18.</p> <p>DNRC to Terminate Interest: Rd.67025 on pvt. In Lot 2, SE$\frac{1}{4}$NW$\frac{1}{4}$ Sec.18.</p> <p>Cost-Share Supplement Required: For adjacent tributary National Forest System land.</p>
Mayo12	T. 18 N., R. 28 W	<p>DNRC to Terminate: Rd 4227 over and across subject lands in sec. 11, 13, 14 (Refer to 1988 Cost-share supplement for Rd.4227).</p> <p>DNRC to Retain Interest: Rd 4227 over and across sec 18.</p> <p>No Additional Cost-Share Supplements required.</p>
Boyd 16	T. 18 N., R. 28 W.	No action required
Boyd 18	T. 18 N., R. 28 W.	No action required
Boyd 20	T. 18 N., R. 28 W.	No action required
Twomile	T. 18 N., R. 28 W.	No action required
Cold Peak	T. 18 N., R. 28 W.	No action required
Colma Gulch	T. 11 N., R. 16 W.	No action required
Rock Creek	T. 11 N., R. 17 W.	No action required
Lolo Creek	T. 12 N., R. 22 W.	No action required
Crazy Canyon	T. 13 N., R 19 W.	<p>DNRC to Convey: Road No. 19241 over and across lands in Lot 4, sec. 30, T.13N., R.18W.</p> <p>Cost-Share Supplement Required: For adjacent tributary National Forest System land.</p>
Black Mtn	T. 13 N., R.21 W.	No action required
Deep Creek	T. 11 N., R. 16 W.	No action required
Gus Creek	T. 13 N., R. 21 W.	No action required
Snowbowl Road	T. 14 N., R. 19 W.	No action required
Rattlesnake	T. 14 N., R. 19 W.	No action required
Grant Creek	T. 14 N., R. 19 W.	No action required
Peppard	T. 14 N., R. 22 W.	No action required
Sawmill	T. 14 N., R. 23 W.	No action required
Sixmile 2	T. 15 N., R. 22 W.	No action required
Corral Creek	T. 14 N., R. 19 W.	No action required

APPENDIX E - Access Summary and Acceptance Document

Stark Creek	T. 15 N., R. 23 W.	No action required
Cottonwood Lakes	T. 14 N., R. 19 W.	No action required
Butler Creek	T. 16 N., R. 23 W.	No action required
Monture	T. 16 N., R. 13 W.	No action required
Quinn	T. 18 N., R. 25 W.	No action required
Cutoff 6	T. 18 N., R. 26 W.	No action required
Patrick Creek	T. 18 N., R. 26 W.	No action required
Cutoff 16	T. 18 N., R. 26 W.	No action required
Cube Iron Mtn	T. 22 N., R. 29 W.	No action required
Ashley Creek	T. 22 N., R. 29 W.	No action required

Easements to be Terminated (DNRC to USFS parcels)

Parcel Information	Road	Recording
Johnson Gulch	Johnson Creek Rd #540	Book 5 of Deeds Page 561 and Book 12 of Deeds, Page 501
Boyd 16	Mullan Gulch Road #6302	Drawer 1 of Deeds, Card No. 2157-2157A
Cutoff 10	Southside Cutoff Road No. 9113	Drawer 1 of Deeds, Card No. 3893-3893A
Boyd 18	Mullan Gulch Road No. 6302	Drawer 1 of Deeds, Card No. 2812-2182A
Cold Peak	Cold Peak Road No. 3803	Book 12 of Deeds, Page 489
Rock Creek	Babcock Trail No. 91.1	Book 233 of Deeds, Page 462
Black Mountain	Dry Gulch Road No. 9961	Book 96 of Micro Records, Page 1484
Deep Creek	Deep Creek-Graves Creek Road	Book 20 of Micro Records, Page 438
Lolo Creek	Elk Meadows Road No. 451 and Butler Creek Road No. 2171	Book 144 of Deeds, Page 957
Lolo Creek	Southfork Lolo No. 451A	Book 149 of Deeds, Page 653 and Book 10 of Micro Records, Page 688
Corral Creek	Southside Road No. 453.3	Book 71 of Micro Records,

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		Page 1184
Corral Creek	Tank Creek Pasture Road No. 5562	Book 71 of Micro Records, Page 1186
Peppard	Upper Peppard Gulch Road and Albert Lothrop Road	Book 175 of Micro Records, Page 2418
Ashley Creek	Ashley Creek Trail No. 454	Book 83 of Deeds, Page 83
Butler Creek	Butler Creek Road No.456	Book 242 of Micro Records, Page 472
Stark Creek	Rennic-Cedar Road No. 5515	Book 151 of Micro Records, Page 2254

Access will be outlined in the exchange agreement per this document and as follows:

Access will be granted by an exchange of easements. Easement and exhibit examples are outlined in the Region 1, DNRC Road Right-of-Way construction and Use Agreement.

Final exhibits will be included with each cost share easement package.

Final access summary will be outlined in the exchange agreement.

Easements accessing exchange parcels will be recorded before any easements are terminated.

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
Graham Mtn 3	T15N R25W	3	S2. Subject to a road easement to Mineral County referenced in deed to consolidate forest lands from Anaconda Copper Mining Co to the United States of America, dated 03/28/1927, rec 11/08/1927 in Vol 6 at P 508 Deeds (vesting document), including reversionary clause and excluding mineral rights.
Graham Mtn 4	T15N R25W	4	S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$. Subject to a road easement to Mineral County referenced in deed to consolidate forest lands from Anaconda Copper Mining Co to the United States of America, dated 03/28/1927, rec 11/08/1927 in Vol 6 at P 508 Deeds (vesting document), including mineral rights and a reversionary clause. SE4SE4. 30' R/W Easement from Anaconda Copper Mining Co. to Mountain States Telephone and Telegraph for construction and maintenance of lines and poles, dated 01/20/1925, rec 02/11/1925 in B 1 at P 308 Misc Real Estate Records
Graham Mtn 10	T15N R25W	10	All. 30' R/W Easement from Anaconda Copper Mining Co. to Mountain States Telephone and Telegraph for construction and maintenance of lines and poles, dated 01/20/1925, rec 02/11/1925 in B 1 at P 308 Misc Real Estate Records. All. Subject to a road easement to Mineral County referenced in deed to consolidate forest lands from Anaconda Copper Mining Co to the United States of America, dated 03/28/1927, rec 11/08/1927 in Vol 6 at P 508 Deeds (vesting document), including mineral rights and a reversionary clause. MOU. This portion will be terminated by the Forest Service - upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to this company for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange. One hundred (100) foot right-of-way. SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$. Ditch Bill Easement - Wayne and Billye Ann Bricker - Authorization # 5015-01 for ten (10) foot right-of-way in SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 10 , SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11, and NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 15, T. 15 N., R. 25 W., P.M.M. Easement is an outstanding right that continues as long as Holder exercises their rights and privileges. SW $\frac{1}{4}$ SW $\frac{1}{4}$. Ditch Bill Easement - Wayne and Billye Ann Bricker - Authorization # 5015-01 for ten (10) foot right-of-way in SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 10, SW$\frac{1}{4}$SW$\frac{1}{4}$ Sec 11 , and NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 15. T 15 N, R 25 W, P.M.M. Easement is an outstanding right that continues as long as Holder exercises their rights and privileges.

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
Tarkio	T15N R25W	35	NW¼. 30' R/W Easement from Blackfoot Land Development Co. to Mountain States Telephone and Telegraph for construction and maintenance of lines and poles, dated 03/17/1923, rec 02/11/1925 in B 1 at P 306 Misc Real Estate Records.
			NW4. Public highway R/W Easement from Blackfoot Land Development Co. to Mineral County, dated 05/08/1925, rec 05/13/1925 in B 6 at P 272, including a reversionary clause
			Public road RW Easement from Blackfoot Land Development Company to Mineral County, dated 08/09/1915, rec.07/14/1916 in B 2 at P 6, including a reversionary clause.
			Electric Transmission Line Easement from Blackfoot Land Development Co. to Chicago, Milwaukee & St. Paul Railway Co., dated 06/16/1916, rec 08/07/1916 in B 2 at P 9.
			Special-use permits: These portions of the permits will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange.
			W½NW¼, SE¼NW¼.
			Missoula Electric Cooperative - Authorization # 4965-01, overhead electrical right-of-way. Permit expiration is December 31, 2014. Twenty (20) foot right-of-way.
Graham Mtn 33	T16N R25W	33	SW¼SW¼. CM&SP RR Easement, 100' R/W, M 041118, P2 USDI easement, January 28, 1908. NEED RECORDING INFO & COPY OF DOC
			Special-use permits. This portion of the permit will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange
			SW¼SW¼.
			NorthWestern Corporation - Authorization # PLA42 (66-230 kV line) variable width overhead electrical right-of-way. Permit expiration is December 31, 2017. Forty (40) foot right-of-way.
			W½SW¼SW¼. AT&T permit #MIS66 for buried fiber optic line. Permit Expiration December 31, 2015. Ten (10) foot right-of-way.
Pardee 9	T17N R26W	9	SE4. MOU - Bonneville Power Administration – Overhead (500 kV line) electrical right-of-way) variable width

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
			<p>This portion of the MOU will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to this company for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange. One hundred (100) foot right-of-way.</p> <p>Special-use permits: These portions of the permits will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange.</p> <p>S½SW¼, NW¼SE¼. Copper cable, 10 foot R/W.</p> <p>Blackfoot Telephone Cooperative/Clark Fork Telecommunications - Authorization # SUP31 buried and aerial copper cable or fiber optics right-of-way. Permits expiration dates December 31, 2024.</p>
Pardee 11	T17N R26W	11	<p>SW¼SW¼SW¼. MOU - Bonneville Power Administration – Overhead (500 kV line) electrical right-of-way) variable width</p> <p>This portion of the MOU will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to this company for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange. One hundred (100) foot right-of-way.</p>
Pardee 14	T17N R26W	14	<p>SW4SW4, E2SW4. U.S.D.A. Cost Share Easement dated 09/19/1969, grants a variable width road right-of-way on the Northern Pacific Railway Company for the Nemote Creek Road No. 454, over and across subjects lands in the SW¼SW¼, E¼SW¼ Sec. 14, T. 15 N., R. 25 W., P.M.M. This easement was recorded on BLM records as Serial No. M 13962 and with the County on 11/28/1969 in Dr. 1, Cd. 138-138A MRE.</p> <p>SW¼SW¼. U.S.D.A. Cost Share Easement dated July 14, 1967, grants a variable width road right-of-way to the Anaconda Company for Nemote Creek Road No. 454, over and across subjects lands in the SW¼SW¼, Sec. 14, T. 15 N., R. 25 W., P.M.M. This easement was recorded in BLM records as Serial No. M 13961 (Does not appear to be recorded with the County.)</p> <p>Lots 4,5. U.S.D.A. Cost Share Easement dated June 14, 1966, grants a variable width road right-of-way to the Anaconda Company for the Flat Creek Road No. 194, over and across subject lands in Lots 4 and 5, MS5464, Sec. 14, T. 17 N., R. 26 W., P.M.M. This deed was recorded June 23, 1966 in Bk. 6, pages 69-73, and recorded in BLM records as No. M-1447.</p>

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
			Special-use permit: This portion of the permits will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange.
			Lots 4, 5 (shown as SE¼SW¼, SW¼SE¼ on permit). 20 foot R/W
			NorthWestern Corporation - Authorization # PLA42 (0-65 kV line) variable width buried electrical right-of-way. Permit expiration is December 31, 2017.
			Lots 3, 4. Copper cable, 10 foot R/W
			Blackfoot Telephone Cooperative/Clark Fork Telecommunications - Authorization # SUP31 buried and aerial copper cable or fiber optics right-of-way. Permits expiration dates December 31, 2024.
			SW¼SW¼, E½SW¼. USDA Cost Share Easement dated 07/14/1967, grants a variable width road right-of-way on the Northern Pacific Railway Company for the Nemote Creek Road No. 454, over and across subjects lands in the SW¼SW¼, E½SW¼ Sec. 14 , T. 15 N., R. 25 W. This easement was recorded on BLM records as Serial No. M 13962.
			SW¼SW¼. USDA Cost Share Easement dated 07/14/1967, grants a variable width road right-of-way to the Anaconda Company for the Nemote Creek Road No. 454, over and across subjects lands in the SW¼SW¼, Sec. 14 , T. 15 N., R. 25 W., P.M.M. This easement was recorded on BLM records as Serial No. M-13961.
Pardee 15	17N R26W	15	NE¼NE¼NE¼. MOU - Bonneville Power Administration – Overhead (500 kV line) electrical right-of-way) variable width. This portion of the MOU will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to this company for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange. One hundred (100) foot right-of-way.
Fourmile 5	T17N R27W	5	N½. Electric Transmission Line Easement from Blackfoot Land Development Co. to Chicago, Milwaukee & St. Paul Railway Co., dated 06/16/1916, rec 08/07/1916 in B 2 at P 9, excluded minerals.
			W2. Road R/W Special Use Permit from the United States of America, Forest Service to Mineral County, dated 11/17/1964, rec 12/07/1964 in B 5 at P 305.
			L 1-3, 6 & SE4NE4. RR and telegraph line from the United States of America to the Northern Pacific Railroad Co., 07/29/1897, rec 08/07/1899 in B "E" at P 30 Deeds, excluding minerals.
			L 1. Private Road Easement from the United States of America, Forest Service to the State of Montana, Dept of Natural Resources & Conservation, dated 01/06/1997, rec 09/17/1998 in Dr. 2 at Cd. 5414-5414A, Misc Real Estate Records. over and across Lot 2 & NE¼SW¼, Sec. 11, T 17 N, R 27 W.

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
			Unnamed Road N-T over and across subject lands in the SE4SE4 Sec 9, T 18 N, R 27 W.
			Unnamed Road V-U over and across subject lands in Lot 1, Sec 5 , T 18 N, R 27 W.
			Lots 1, 2 & 6, SE4NE4. USDT Highway R/W easement from the United States of America, Dept of Transportation to the Montana Dept. of Highways dated 01/24/1974, over the following roads rec on 03/07/1974 in Dr 1 at Cd 557-557F, including a reversionary clause. (This easement is also recorded on BLM Records as Serial No. M 28281.)
			Forest Highway 8/Federal Highway 10 , I-90, over and across subject lands in Lots 1, 2, 6, SE¼NE¼, Sec. 5 , and W ½SW¼ sec. 9, T 17 N, R 27 W.
			Lots 3, 5 & 6. Forest Road Easement from The United States of America, Forest Service to the State of Montana, Dept of Natural Resources & Conservation, dated 01/06/1997, rec 09/17/1998 Dr. 2 at Cd. 5413-5413A, Misc Real Estate Records, granting a road right-of-way over the following roads:
			Sloway Gulch Road No. 389, over and across Lot 2, NE¼SW¼ & SE4SW4 Sec. 11 and Lots 2 & 3 Sec 14, T 17 N, R 27 W.
			Mud Lake Road No. 7753, over and across subject lands in the NE¼, SE¼NW¼ Sec. 9, and over and across subject lands in Lots 1, 2 & 3 Sec. 10, and Lots 1 & 2 and NW¼SW¼ Sec. 11, T 17 N, R 27 W
			Red Hill Road No. 16929 , over and across subject lands in Lots 3, 5 & 6, Sec. 5 , T. 17 N., R. 27 W.
			Ashmore Road No. 18518, over and across subject lands in Lots 7 & 8, Sec 34, and Lot 1, NE¼NW¼, S½NW¼ Sec. 35, T 18 N, R 27 W.
			Burr Saddle Road No. 18524, over and across subject lands in SW4SW4 Sec 21, S2NW4, NE4SW4 & NW4SE4 Sec 27 and N2NW4 Sec 28, T 18 N, R27 W.
			Fourmile Creek Road No. 891, over and across subject lands in S2SW4, NE4SW4 & SE4, Sec 25, and Lots 3 & 4, E2SW4 & S2SE4, Sec 26, T 18 N, R 27 W.
			Mud Pie Road No. 18615, over and across subject lands in NE4NE4 Sec 9, NE4NW4 Sec 10, and Lots 1 & 2 & NW4SW4 Sec 11, T 17 N, R 27 W.
			Special-use permits: These portions of the permits will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange. Lots 3, 6 (shown as E½SE¼NW¼, SW¼NE¼NW¼, E½NW¼NW¼ on permit).

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
			AT&T permit #MIS66 for buried fiber optic line. Permit Expiration December 31, 2015. Ten (10) foot right-of-way.
Fourmile 9	T17N R27W	9	All. RR and telegraph line from the United States of America to the Northern Pacific Railroad Co., 07/29/1897, rec 08/07/1899 in B "E" at P 30 Deeds, excluding minerals.
			SW4. Subject to a county road R/W referenced in deed to consolidate forest lands from Anaconda Copper Mining Co. to the United States of America, dated 10/14/1927, rec 06/06/1928 in Vol 6 at P 568, Deeds (vesting document), making reference to an easement deeded in B "F" at P 560, which has never been formally dedicated for a county road.
			SE4SE4. Private Road Easement from the United States of America, Forest Service to the State of Montana, Dept of Natural Resources & Conservation, dated 01/06/1997, rec 09/17/1998 in Dr. 2 at Cd. 5414-5414A, Misc Real Estate Records. over and across the following roads:
			Unnamed Road N-T over and across subject lands in the SE4SE4 Sec 9 , T 18 N, R 27 W.
			Unnamed Road V-U over and across subject lands in Lot 1, Sec 5, T 18 N, R 27 W.
			NE4, SE4NW4. Forest Road Easement from The United States of America, Forest Service to the State of Montana, Dept of Natural Resources & Conservation, dated 01/06/1997, rec 09/17/1998 Dr. 2 at Cd. 5413-5413A, Misc Real Estate Records, granting a road right-of-way over the following roads:
			Sloway Gulch Road No. 389, over and across Lot 2, NE¼SW¼ & SE4SW4 Sec. 11 and Lots 2 & 3 Sec 14, T 17 N, R 27 W.
			Mud Lake Road No. 7753 , over and across subject lands in the NE¼, SE¼NW¼ Sec. 9 , Lots 1, 2, and 3 Sec. 10, and Lots 1, 2, and NW¼SW¼ Sec. 11, T 17 N, R 27 W
			Red Hill Road No. 16929, over and across subject lands in Lots 3, 5 & 6 Sec. 5, T. 17 N., R. 27 W.
			Ashmore Road No. 18518, over and across subject lands in Lots 7 & 8, Sec 34, and Lot 1, NE¼NW¼, S½NW¼ Sec. 35, T 18 N, R 27 W.
			Burr Saddle Road No. 18524, over and across subject lands in SW4SW4 Sec 21, S2NW4, NE4SW4 & NW4SE4 Sec 27 and N2NW4 Sec 28, T 18 N, R27 W.
			Fourmile Creek Road No. 891, over and across subject lands in S2SW4, NE4SW4 & SE4, Sec 25, and Lots 3 & 4, E2SW4 & S2SE4, Sec 26, T 18 N, R 27 W.
			Mud Pie Road No. 18615 , over and across subject lands in SW4SW4 Sec 3, NE4NE4 Sec 9 , and NW4NW4 Sec 10, T 17 N, R 27 W.
			W2SW4. USDT Highway R/W easement from the United States of America, Dept of Transportation to the Montana Dept. of Highways dated January 24, 1974, over the following roads, rec on 03/07/1974 in Dr 1 at Cd 557-557F, including a reversionary clause. (This easement is also recorded as BLM Serial No. M 28281.)

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
			<p>Forest Highway 8/Federal Highway 10, I-90, over and across subject lands in Lots 1, 2 & 6, SE¼NE¼, Sec. 5, and W½SW¼ Sec. 9, T 17 N, R 27 W.</p> <p>Special-use permits: These portions of the permits will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange.</p> <p>SW4SW4. Forty (40) foot R/W.</p> <p>NorthWestern Corporation - Authorization # PLA42 (66-230 kV line) variable width overhead electrical right-of-way. Permit expiration is December 31, 2017. Forty (40) foot right-of-way.</p> <p>SW¼SW¼. Copper cable, 10 foot R/W.</p> <p>Blackfoot Telephone Cooperative/Clark Fork Telecommunications - Authorization # SUP31 buried and aerial copper cable or fiber optics right-of-way. Permits expiration dates December 31, 2024.</p> <p>Grazing permits. Letters written by the District Rangers were sent to each grazing permittee in March 2004, informing them of the land exchange proposal involving lands within their allotments. Permittee retained his allotments for the allotted two years. Four Mile Grazing Permit - Denley Loge. This permit expired December 31, 2005. DNRC will issue a grazing license.</p>
Fourmile 10	T17N R27W	10	<p>Lots 1, 2 & 3, NW4NW4. U.S.D.A. FRTA Forest Road, dated 01/06/1997, rec 09/17/1998 in Dr 2 at Cd 5413-5413A, Misc Real Estate Records, granting a road right-of-way over the following roads:</p> <p>Sloway Gulch Road No. 389, over and across Lot 2, NE¼SW¼ & SE4SW4 Sec. 11 and Lots 2 & 3 Sec 14, T 17 N, R 27 W.</p> <p>Mud Lake Road No. 7753, over and across subject lands in the NE¼, SE¼NW¼ Sec. 9, Lots 1, 2, and 3 Sec. 10, and Lots 1, 2, and NW¼SW¼ Sec. 11, T 17 N, R 27 W</p> <p>Red Hill Road No. 16929, over and across subject lands in Lots 3, 5 & 6 Sec. 5, T. 17 N., R. 27 W.</p> <p>Ashmore Road No. 18518, over and across subject lands in Lots 7 & 8, Sec 34, and Lot 1, NE¼NW¼, S½NW¼ Sec. 35, T 18 N, R 27 W.</p> <p>Burr Saddle Road No. 18524, over and across subject lands in SW4SW4 Sec 21, S2NW4, NE4SW4 & NW4SE4 Sec 27 and N2NW4 Sec 28, T 18 N, R27 W.</p> <p>Fourmile Creek Road No. 891, over and across subject lands in S2SW4, NE4SW4 & SE4, Sec 25, and Lots 3 & 4, E2SW4 & S2SE4, Sec 26, T 18 N, R 27 W.</p>

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
			Mud Pie Road No. 18615 , over and across subject lands in SW4SW4 Sec 3, NE4NE4 Sec 9, and NW4NW4 Sec 10 , T 17 N, R 27 W. SW¼SW¼. ????
			Grazing permits. Letters written by the District Rangers were sent to each grazing permittee in March 2004, informing them of the land exchange proposal involving lands within their allotments. Permittee wanted to retain his allotments for the allotted two years. Grazing permits were reserved for two years from March 18, 2004.
			Lots 1-4, DNRC will issue a grazing license N½NE¼, N½NW¼. Four Mile Grazing Permit - Denley Loge . This permit expired December 31, 2005.
			SW¼NW¼. Road right-of-way easement for the Southside Cutoff Road No. 9113, from the United States Dept of Agriculture to Mineral County dated 08/05/1983, and rec 09/08/1983 in Dr 1, Cd 2040-2040A, Misc Real Estate Records and includes a reversionary clause. This easement is recorded in BLM records at MTM 60315 and MTM 78333 and re-issued to increase the width to 80', dated 04/12/1989, rec 05/15/1989 in Dr 1, MRE, Card 3075-3075A..
Mill Creek 21	T18N R27W	21	SW4SW4. Forest Road Easement from The United States of America, Forest Service to the State of Montana, Dept of Natural Resources & Conservation, dated 01/06/1997, rec 09/17/1998 Dr. 2 at Cd. 5413-5413A, Misc Real Estate Records, granting a road right-of-way over the following roads: Sloway Gulch Road No. 389, over and across Lot 2, NE¼SW¼ & SE4SW4 Sec. 11 and Lots 2 & 3 Sec 14, T 17 N, R 27 W.
			Mud Lake Road No. 7753, over and across subject lands in the NE¼, SE¼NW¼ Sec. 9, Lots 1, 2, and 3 Sec. 10, and Lots 1, 2, and NW¼SW¼ Sec. 11, T 17 N, R 27 W
			Red Hill Road No. 16929, over and across subject lands in Lots 3, 5 & 6 Sec. 5, T. 17 N., R. 27 W.
			Ashmore Road No. 18518, over and across subject lands in Lots 7 & 8, Sec 34, and Lot 1, NE¼NW¼, S½NW¼ Sec. 35, T 18 N, R 27 W.
			Burr Saddle Road No. 18524 , over and across subject lands in SW4SW4 Sec 21 , S2NW4, NE4SW4 & NW4SE4 Sec 27 and N2NW4 Sec 28, T 18 N, R27 W.
			Fourmile Creek Road No. 891, over and across subject lands in S2SW4, NE4SW4 & SE4, Sec 25, and Lots 3 & 4, E2SW4 & S2SE4, Sec 26, T 18 N, R 27 W.
			Mud Pie Road No. 18615, over and across subject lands in SW4SW4 Sec 3, NE4NE4 Sec 9, and NW4NW4 Sec 10, T 17 N, R 27 W.

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
			<p>Grazing permits. Letters written by the District Rangers were sent to each grazing permittee in March 2004, informing them of the land exchange proposal involving lands within their allotments. Permittee retained his allotments for the allotted two years.</p> <p>All. Four Mile Grazing Permit - Denley Loge. This permit expired December 31, 2005. DNRC will issue a grazing license</p>
Mill Creek 22	T18N R27W	22	<p>Grazing permits. Letters written by the District Rangers were sent to each grazing permittee in March 2004, informing them of the land exchange proposal involving lands within their allotments. Permittee retained his allotments for the allotted two years.</p> <p>NW4. Four Mile Grazing Permit - Denley Loge. This permit expired December 31, 2005. DNRC will issue a grazing license</p>
Burr Saddle	T18N R27W	27	<p>S2SW4, NE4SW4 & NW4SE4. Forest Road Easement from The United States of America, Forest Service to the State of Montana, Dept of Natural Resources & Conservation, dated 01/06/1997, rec 09/17/1998 Dr 2 at Cd 5413-5413A, Misc Real Estate Records, granting a road right-of-way over the following roads:</p> <p>Sloway Gulch Road No. 389, over and across Lot 2, NE¼SW¼ & SE4SW4 Sec. 11 and Lots 2 & 3 Sec 14, T 17 N, R 27 W.</p> <p>Mud Lake Road No. 7753, over and across subject lands in the NE¼, SE¼NW¼ Sec. 9, Lots 1, 2, and 3 Sec. 10, and Lots 1, 2, and NW¼SW¼ Sec. 11, T 17 N, R 27 W</p> <p>Red Hill Road No. 16929, over and across subject lands in Lots 3, 5 & 6 Sec. 5, T. 17 N., R. 27 W.</p> <p>Ashmore Road No. 18518, over and across subject lands in Lots 7 & 8, Sec 34, and Lot 1, NE¼NW¼, S½NW¼ Sec. 35, T 18 N, R 27 W.</p> <p>Burr Saddle Road No. 18524, over and across subject lands in SW4SW4 Sec 21, S2NW4, NE4SW4 & NW4SE4 Sec 27 and N2NW4 Sec 28, T 18 N, R27 W.</p> <p>Fourmile Creek Road No. 891, over and across subject lands in S2SW4, NE4SW4 & SE4, Sec 27, and Lots 3 & 4, E2SW4 & S2SE4, Sec 26, T 18 N, R 27 W.</p> <p>Mud Pie Road No. 18615, over and across subject lands in SW4SW4 Sec 3, NE4NE4 Sec 9, and NW4NW4 Sec 10, T 17 N, R 27 W.</p> <p>All. R/W easements for public road heretofore reserved. Rec Vol 10 at P 8 of Deeds. (THIS IS A CORRECTION DEED OF VOL. 9, PAGE 635, CONVEYING ALL OF SEC 27 FROM SEARS TO THE USA. THERE IS NO EASEMENT RESERVED IN THIS DOCUMENT.)</p> <p>S2. 60' Easement for Four Mile Road Project No. 891, dedicated to general public for all road purposes, from Sears to United States of America, dated 09/11/1946, rec 04/26/1962 in B 5 at P 695, Deeds, including a reversionary clause.</p>

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
			<p>Grazing permits. Letters written by the District Rangers were sent to each grazing permittee in March 2004, informing them of the land exchange proposal involving lands within their allotments. Permittee retained his allotments for the allotted two years</p>
			<p>W½. Four Mile Grazing Permit - Denley Loge. This permit is due to expire December 31, 2005. DNRC will issue a grazing license.</p>
St. Regis Beacon 28	T18N R27W	28	<p>N2NW4. Forest Road Easement from The United States of America, Forest Service to the State of Montana, Dept of Natural Resources & Conservation, dated 01/06/1997, rec 09/17/1998 Dr 2 at Cd 5413-5413A, Misc Real Estate Records, granting a road right-of-way over the following roads:</p>
			<p>Sloway Gulch Road No. 389, over and across Lot 2, NE¼SW¼ & SE4SW4 Sec. 11 and Lots 2 & 3 Sec 14, T 17 N, R 27 W.</p>
			<p>Mud Lake Road No. 7753, over and across subject lands in the NE¼, SE¼NW¼ Sec. 9, Lots 1, 2, and 3 Sec. 10, and Lots 1, 2, and NW¼SW¼ Sec. 11, T 17 N, R 27 W</p>
			<p>Red Hill Road No. 16929, over and across subject lands in Lots 3, 5 & 6 Sec. 5, T. 17 N., R. 27 W.</p>
			<p>Ashmore Road No. 18518, over and across subject lands in Lots 7 & 8, Sec 34, and Lot 1, NE¼NW¼, S½NW¼ Sec. 35, T 18 N, R 27 W.</p>
			<p>Burr Saddle Road No. 18524, over and across subject lands in SW4SW4 Sec 21, S2NW4, NE4SW4 & NW4SE4 Sec 27 and N2NW4 Sec 28, T 18 N, R 27 W.</p>
			<p>Fourmile Creek Road No. 891, over and across subject lands in S2SW4, NE4SW4 & SE4, Sec 25, and Lots 3 & 4, E2SW4 & S2SE4, Sec 26, T 18 N, R 27 W.</p>
			<p>Mud Pie Road No. 18615, over and across subject lands in SW4SW4 Sec 3, NE4NE4 Sec 9, and NW4NW4 Sec 10, T 17 N, R 27 W.</p>
			<p>Special-use permits: These portions of the permits will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC's authorization for this use will coincide with consummation of the Exchange.</p>
			<p>SW¼SW¼. 40 foot R/W</p>
			<p>NorthWestern Corporation - Authorization # PLA42 (0-65 kV line) variable width buried electrical right-of-way. Permit expiration is December 31, 2017.</p>
			<p>SW¼SW¼. Tower and Beacon</p>
			<p>State of Montana Aeronautics Division - Authorization # SUP-1951-02, free use. No expiration date.</p>
<p>SW¼SW¼. Mobile Radio.</p>			

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
			<p>Montana Department of Transportation Highway Division - Authorization #SUP64 free use. Permit expiration is December 31, 2015. Permit will be terminated, license issued by DNRC.</p> <p>Grazing permits. Letters written by the District Rangers were sent to each grazing permittee in March 2004, informing them of the land exchange proposal involving lands within their allotments. Permittee retained his allotments for the allotted two years.</p> <p>W2. Four Mile Grazing Permit - Denley Loge This permit expired December 31, 2005. DNRC will issue a grazing license</p>
St. Regis Beacon 29	T18N R27W	29	<p>Grazing permits. Letters written by the District Rangers were sent to each grazing permittee in March 2004, informing them of the land exchange proposal involving lands within their allotments. Permittee retained his allotments for the allotted two years.</p> <p>Lots 1-4, E½NE¼, W½, E½SE¼. Four Mile Grazing Permit - Denley Loge. This permit expired December 31, 2005. DNRC will issue a grazing license</p>
Fourmile 33	T18N R27W	33	<p>E½. Subject to a county road R/W referenced in deed to consolidate forest lands from Anaconda Copper Mining Co. to the United States of America, dated 10/14/1927, rec 06/06/1928 in Vol 6, P 568 Deeds (vesting document), which has never been formally dedicated for a county road.</p> <p>Grazing permits. Letters written by the District Rangers were sent to each grazing permittee in March 2004, informing them of the land exchange proposal involving lands within their allotments. Permittee retained his allotments for the allotted two years.</p> <p>E2. Four Mile Grazing Permit - Denley Loge. This permit expired December 31, 2005. DNRC will issue a grazing license.</p>
FourMile 34	T18N R 27W	34	<p>L 7 & 8. Forest Road Easement from The United States of America, Forest Service to the State of Montana, Dept of Natural Resources & Conservation, dated 01/06/1997, rec 09/17/1998 Dr 2 at Cd 5413-5413A, Misc Real Estate Records, granting a road right-of-way over the following roads:</p> <p>Sloway Gulch Road No. 389, over and across Lot 2, NE¼SW¼ & SE4SW4 Sec. 11 and Lots 2 & 3 Sec 14, T 17 N, R 27 W.</p> <p>Mud Lake Road No. 7753, over and across subject lands in the NE¼, SE¼NW¼ Sec. 9, Lots 1, 2, and 3 Sec. 10, and Lots 1, 2, and NW¼SW¼ Sec. 11, T 17 N, R 27 W</p> <p>Red Hill Road No. 16929, over and across subject lands in Lots 3, 5 & 6 Sec. 5, T. 17 N., R. 27 W.</p> <p>Ashmore Road No. 18518, over and across subject lands in Lots 7 & 8, Sec 34, and Lot 1, NE¼NW¼, S½NW¼ Sec. 35, T 18 N, R 27 W.</p> <p>Burr Saddle Road No. 18524, over and across subject lands in SW4SW4 Sec 21, S2NW4, NE4SW4 & NW4SE4 Sec 27 and N2NW4 Sec 28, T 18 N, R 27 W.</p>

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
			<p>Fourmile Creek Road No. 891, over and across subject lands in S2SW4, NE4SW4 & SE4, Sec 25, and Lots 3 & 4, E2SW4 & S2SE4, Sec 26, T 18 N, R 27 W.</p> <p>Mud Pie Road No. 18615, over and across subject lands in SW4SW4 Sec 3, NE4NE4 Sec 9, and NW4NW4 Sec 10, T 17 N, R 27 W.</p> <p>Grazing permits. Letters written by the District Rangers were sent to each grazing permittee in March 2004, informing them of the land exchange proposal involving lands within their allotments. Permittee retained his allotments for the allotted two years.</p> <p>Lots 1-12. Four Mile Grazing Permit - Denley Loge. This permit expired December 31, 2005. DNRC will issue a grazing license.</p>
FourMile 35	T18N R 27W	35	<p>L 1, NE4NW4 & S2NW4. Forest Road Easement from The United States of America, Forest Service to the State of Montana, Dept of Natural Resources & Conservation, dated 01/06/1997, rec 09/17/1998 Dr 2 at Cd 5413-5413A, Misc Real Estate Records, granting a road right-of-way over the following roads:</p> <p>Sloway Gulch Road No. 389, over and across Lot 2, NE¼SW¼ & SE4SW4 Sec. 11 and Lots 2 & 3 Sec 14, T 17 N, R 27 W.</p> <p>Mud Lake Road No. 7753, over and across subject lands in the NE¼, SE¼NW¼ Sec. 9, Lots 1, 2, and 3 Sec. 10, and Lots 1, 2, and NW¼SW¼ Sec. 11, T 17 N, R 27 W</p> <p>Red Hill Road No. 16929, over and across subject lands in Lots 3, 5 & 6 Sec. 5, T. 17 N., R. 27 W.</p> <p>Ashmore Road No. 18518, over and across subject lands in Lots 7 & 8, Sec 34, and Lot 1, NE¼NW¼, S¼NW¼ Sec. 35, T 18 N, R 27 W.</p> <p>Burr Saddle Road No. 18524, over and across subject lands in SW4SW4 Sec 21, S2NW4, NE4SW4 & NW4SE4 Sec 27 and N2NW4 Sec 28, T 18 N, R 27 W.</p> <p>Fourmile Creek Road No. 891, over and across subject lands in S2SW4, NE4SW4 & SE4, Sec 25, and Lots 3 & 4, E2SW4 & S2SE4, Sec 26, T 18 N, R 27 W.</p> <p>Mud Pie Road No. 18615, over and across subject lands in SW4SW4 Sec 3, NE4NE4 Sec 9, and NW4NW4 Sec 10, T 17 N, R 27 W.</p> <p>Grazing permits. Letters written by the District Rangers were sent to each grazing permittee in March 2004, informing them of the land exchange proposal involving lands within their allotments. Permittee retained his allotments for the allotted two years</p> <p>All. Four Mile Grazing Permit - Denley Loge. This permit expired December 31, 2005. DNRC will issue a grazing license.</p>

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel Affected	Township Range	Section	(Montana Principal Meridian, MINERAL COUNTY, State of Montana)
			Legal Description of Outstanding Rights and Comments
No. DeBorgia	T19N R29W	19	Special-use permits: These portions of the permits will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC’s authorization for this use will coincide with consummation of the Exchange.
			N½SE¼. 20 foot R/W.
			NorthWestern Corporation - Authorization # PLA42 (0-65 kV line) variable width buried electrical right-of-way. Permit expiration is December 31, 2017.
			N½SE¼, SE¼NE¼. Copper cable, 10 foot R/W.
So. DeBorgia 31	T19N R29W	31	Blackfoot Telephone Cooperative/Clark Fork Telecommunications - Authorization # SUP31 buried and aerial copper cable or fiber optics right-of-way. Permits expiration dates December 31, 2024.
			NE4NE4 (Lot 1). 30’ R/W Easement from Blackfoot Land Development Co. to Mountain States Telephone and Telegraph for construction and maintenance of lines and poles, dated March 17, 1923, rec 02/11/1925 in B1 at P 306, Misc Real Estate Records.
Haugen 16	T19N R30W	16	NE4NE4. R/W easement for telephone and telegraph from Anaconda Copper Mining Co to Postal Telegraph – Cable Company of America, dated 09/07/1937 and rec in B 2 at P 191, Misc Real Estate Records, including a reversionary clause.
			Special-use permits: These portions of the permits will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC’s authorization for this use will coincide with consummation of the Exchange.
Haugen 17	T19N R30W	17	SE¼SW¼. 2 lines – copper cable and fiber optics, 10 foot R/W each
			Blackfoot Telephone Cooperative/Clark Fork Telecommunications - Authorization # SUP31 buried and aerial copper cable or fiber optics right-of-way. Permits expiration dates December 31, 2024.
Name of Parcel	Township Range	Section	Special-use permits: These portions of the permits will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC’s authorization for this use will coincide with consummation of the Exchange.
			NE4NE4. 2 lines – copper cable and fiber optics, 10 foot R/W each
			Blackfoot Telephone Cooperative/Clark Fork Telecommunications - Authorization # SUP31 buried and aerial copper cable or fiber optics right-of-way. Permits expiration dates December 31, 2024.
			(Montana Principal Meridian, MISSOULA COUNTY, State of Montana)
			Legal Description of Outstanding Right and Comments

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel	Township Range	Section	(Montana Principal Meridian, MISSOULA COUNTY, State of Montana) Legal Description of Outstanding Right and Comments
Deerhorn	T23N R27W	32	Special-use permits: These portions of the permits will be terminated by the Forest Service upon closure of the Exchange. The State of Montana – DNRC will issue a lease or permit to these companies for the same purpose on the same site. DNRC’s authorization for this use will coincide with consummation of the Exchange.
			SE¼SW¼.
			AT&T - Authorization # 4951-01, buried fiber optics right-of-way. Permit expiration is December 31, 2024. Forty (40) foot right-of-way.
Deer Creek	T12N R18W	18	NW¼SE¼, SE¼SE¼. U.S.D.A. Easement dated 02/26/1969, grants a 66+ feet road right-of-way to the Northern Pacific Railway Company for Skyline Drive Road No. 2127 over and across subject lands in the NW¼SE¼, SE¼SE¼. Sec. 18 , T. 12 N., R. 18 W., P.M.M. The Deed is recorded in BLM records as Serial No. M 12683; 2730 rights-of-way grants, Dept. of Agriculture, Deer Creek Road No. 2114 (Northern Pacific Railway Co.)
			NW¼SE¼, NE¼SE¼, SE¼SE¼. U.S.D.A. Easement dated February 26, 1969 grants a road right-of-way to the Anaconda Co. for Skyline Drive Road No. 2127 over and across subject lands in the NW¼SE¼, NE¼SE¼, SE¼SE¼, Sec. 18 , T 12 N, R 18 W, P.M.M. The Deed is recorded in BLM records as Serial No. 12682; 2730 Rights-of-Way Grants, Dept. of Agriculture, Deer Creek Road No. 2114. (The Anaconda Company).
Name of Parcel	Township Range	Section	(Montana Principal Meridian, POWELL COUNTY, State of Montana) Legal Description of Outstanding Right and Comments
Seeley 17	T17N R15W	36	SE4 (irregular tract) USDT R/W easement to MT Dept of Highways granting a road for the Swan River Hwy 83.
			USDT Easement to the Montana Dept. of Highways dated 1986, grants a road-right-of-way for the Swan River Hwy 83. SE1/4 (irregular tract) Sec 17, T17N, R15W P.M.M.
Name of Parcel	Township Range	Section	(Montana Principal Meridian, SANDERS COUNTY, State of Montana) Road Easements
Calico 10	T22N R27W	10	Calico-Weeksville Road No. 875 , over and across subject lands in the NE¼SW¼, SW¼NW¼, S½SW¼ Sec. 10 , T. 22 N., R. 27 W., P.M.M.
			SW¼ NW¼, NE¼SW¼, S½SW¼. U.S.D.A. Cost Share easement dated 03/02/1972 grants a 66+ feet wide road right-of-way to The Anaconda Company for the Calico-Weeksville Road No. 875 , over and across subject lands in the SW¼ NW¼, NE¼SW¼, S½SW¼ Sec. 10 , T 22 N, R 27 W, P.M.M. This easement was recorded in BLM records as Serial No. M-20984.

APPENDIX F – Encumbrances for National Forest Parcels

Name of Parcel	Township Range	Section	(Montana Principal Meridian, SANDERS COUNTY, State of Montana) Road Easements
			S½SW¼. U.S.D.A. Cost Share Easement grants a road right-of-way to Plum Creek Timber Company for the Calico Sidehill Road No. 16596 , over and across subject lands in the S½SW¼, Sec 10 , T. 22 N., R. 27 W., P.M.M.
			SW¼NW¼, NE¼SW¼. U.S.D.A. Cost Share Easement dated 02/01/1982, grants a 66+ feet road right-of-way to Burlington Northern Railway Company for the Old Calico Road No. 7572 over and across subject land in the SW¼NW¼, NE¼SW¼ Sec. 10 , T. 22 N., R. 27 W., P.M.M. This deed was recorded April 9, 1982, in Sanders County Book of Deeds, Vol. 99, page 858 as Instrument No. 161620.

APPENDIX G – Water Rights Summary

The following is a summary of the water rights for the Federal lands:

No Filed Water Rights

MINERAL COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments
Graham Mtn 4	T15N R25W	4	S1/2NE1/4, NE1/4SE1/4	No filed water rights
Graham Mtn 11	T15N R25W	11	W1/2	No filed water rights
Tarkio	T15N R25W	35	W1/2E1/2NW1/4NE1/4, W1/2NW1/4NE1/4, N1/2NW1/4	No filed water rights
First Creek	T16N R25W	20	NW1/4NE1/4	No filed water rights
Graham Mtn 33	T16N R25W	33	SW1/4SW1/4	No filed water rights
Pardee 9	T17N R26W	9	S1/2SW1/4, SE1/4	No filed water rights
Pardee 11	T17N R26W	11	W1/2	No filed water rights
Pardee 15	T17N R26W	15	NE1/4NE1/4, W1/2NW1/4, SE1/4NW1/4, S1/2	No filed water rights
Fourmile 5	T17N R27W	5	Lots 1-3, and 6, SE1/4NE1/4	No filed water rights
Fourmile 9	T17N R27W	9	All	No filed water rights
Fourmile 10	T17N R27W	10	Lots 1-4, N1/2NE1/4, N1/2NW1/4	No filed water rights
Mill Creek 21	T18N R27W	21	All	No filed water rights
Mill Creek 22	T18N R27W	22	NW1/4	No filed water rights
St. Regis Beacon 28	T18N R27W	28	W1/2	No filed water rights
St. Regis Beacon 29	T18N R27W	29	Lots 1-4, E1/2NE1/4, W1/2, E1/2SE1/4	No filed water rights
Fourmile 33	T18N R27W	33	E1/2	No filed water rights
Fourmile 34	T18N R27W	34	Lots 1-5	No filed water rights
Fourmile 34	T18N R27W	34	Lots 6-12	No filed water rights
Fourmile 35	T18N R27W	35	All	No filed water rights
North DeBorgia	T19N R29W	19	SE1/4NE1/4, SE1/4	No filed water rights
South DeBorgia 31	T19N R29W	31	Lot 1	No filed water rights
Haugan 15	T19N R30W	15	N1/2NW1/4, SE1/4NW1/4	No filed water rights
Haugan16	T19N R30W	16	SE1/4SW1/4, NE1/4SE1/4	No filed water rights
Haugan 17	T19N R30W	17	NE1/4NE1/4	No filed water rights
South DeBorgia 35	T19N R30W	35	N1/2	No filed water rights

MISSOULA COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments
Deer Creek	T12N R18W	8	E1/2	No filed water rights
Houle Creek	T15N R21W	20	NE1/4	No filed water rights

SANDERS COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments
Deerhorn	T23N R27W	32	SE1/4NE1/4, SE1/4SW1/4	No filed water rights
Calico 10	T22N R27W	10	SW1/4NW1/4, NE1/4SW1/4, S1/2SW1/4	No filed water rights

Water Rights Being Conveyed

MINERAL COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Graham Mtn 2	T15N R25W	2	SW1/4	Convey Water Right # 76M 52439 , POD direct from source & POU stock, SW1/4
Graham Mtn 3	T15N R25W	3	S1/2	Convey Water Right # 76M 52439 , POD direct from source & POU stock, SW1/2
Graham Mtn 10	T15N R25W	10	All	Convey Water Right # 76M 52435 , POD ground water & POU stock, USDA-FS, NW1/4SE1/4NW1/4

APPENDIX G – Water Rights Summary

SANDERS COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Whitney 12	T25N R28W	12	All	Convey Water Right # 76N 52614 (split) POD direct from source, POU stock, USDA-FS, no refinement of location Convey Water Right # 76N 52617 (split) , POD direct from source, POU stock, USDA-FS, SE1/4SE1/4SE1/4

SANDERS & LINCOLN COUNTIES, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Whitney 2	T25N R28W	2	All, approximately 40 acres on Kootenai NF (Lincoln Co)	Convey Water Right # 76N 52614 (split) POD direct from source, POU stock, USDA-FS, no refinement of location in section

Water Rights Being Reserved

MINERAL COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Pardee 14	T17N R26W	14	Lots 3-5, SW1/4SW1/4	Reserve Water Right # 76M 52423 , POD other diversion, USDA-FS, SE1/4SE1/4SW1/4
Burr Saddle	T18N R27W	27	W1/2	Reserve Water Right # 052438 (split) , POD direct from source & POU stock, S1/2S1/2. Retain until that portion of the Loge Grazing Permit is terminated. Permit # 701.

Outstanding Water Rights to a Third Party

MINERAL COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Graham Mtn 15	T15N R25W	15	All	Outstanding Water Right # 76M 111323 , POD pump/headgate with ditch or pipe, Billye A and Wayne D. Bricker, SW1/4SE1/4SW1/4, SE1/4SW1/4SW1/4; Outstanding Water Right # 76M 33641 , POD flowing, Billye A and Wayne D. Bricker, SE1/4NW1/4NW1/4; Outstanding Water Right # 76M 33642 . POD pump/gravity flow, Billye A and Wayne D. Bricker, SE1/4NW1/4NW1/4. These uses have not been permitted by Special-Use Permit, though a Ditch Bill Easement does exist in the section.
Pardee 10	T17N R26W	10	NE1/4, NE1/4NW1/4, S1/2NW1/4	Outstanding Water Right # 76M 99064 , POD headgate, Joni Walsh, NW1/4NE1/4NW1/4 This use has not been permitted by Special-Use Permit.

APPENDIX G – Water Rights Summary

Misfiled Water Rights

POWELL COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Seeley Airport	T17N R15W	36	W1/2NE1/4	Misfiled Water Right # 76F 117306 , POD well & POU domestic, Probst Werner, SW1/4NE1/4.

The following is a summary of the water rights for the non-federal lands:

No Filed Water Rights

MINERAL COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments
Sunrise	T15N R25W	17	W1/2NW1/4	No filed water rights
Cutoff 10	T18N R27W	10	Lots 3 and 4	No filed water rights
Cutoff 12	T18N R27W	12	Lots 1-6 inclusive, S1/2NE1/4	No filed water rights
Mayo 18	T18N R27W	18	Lot 1, N1/2NE1/4, NE1/4NW1/4	No filed water rights
Mayo12	T18N R28W	12	N1/2, SW1/4	No filed water rights
Boyd 16	T18N R28W	16	N1/2, NW1/4SW1/4, NW1/4SE1/4, S1/2SW1/4, S1/2SE1/4	No filed water rights
Boyd 18	T18N R28W	18	Lots 1,2,3,4, N1/2NE1/4, SW1/4NE1/4, E1/2NW1/4, E1/2SW1/4, W1/2SE1/4, NE1/4SE1/4	No filed water rights
Boyd 20	T18N R28W	20	N1/2NE1/4, N1/2NW1/4, SE1/4NE1/4, N1/2SW1/4, N1/2SE1/4	No filed water rights
Twomile	T18N R28W	30	Lots 3, 4, E1/2SW1/4, SE1/4	No filed water rights
Cold Peak	T18N R28W	36	NE1/4SW1/4, NE1/4SE1/4	No filed water rights
Marble Creek	T17N R27W	16	SW1/4SE1/4, S1/2SW1/4	No filed water rights
Needle Peak	T14N R25W	34	ALL of NW1/4 excepting out a portion of Patent Mineral Survey 9933, Victor Claim as shown on Certificate of Survey 398B filed in Mineral County, MT, April 1992.	No filed water rights

MISSOULA COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments
Black Mtn	T13N R21W	16	S1/2SE1/4	No filed water rights
Snowbowl Road	T14N R19W	4	E1/2SW1/4, SW1/4SW1/4, W1/2SE1/4	No filed water rights
Gus Creek	T13N R23W	16	N1/2	No filed water rights
Peppard	T14N R22W	16	All	No filed water rights
Sawmill	T14N R23W	16	All	No filed water rights
Corral Creek	T15N R22W	36	S1/2 NE1/4, S1/2NW1/4, S1/2	No filed water rights
Cottonwood Lakes	T16N R14W	2	Lot 2, SW1/4NE1/4, SE1/4SE1/4	No filed water rights
Stark Creek	T15N R23W	2	W1/2NW1/4, SW1/4, W1/2SE1/4	No filed water rights
Pattee Canyon	T12N R19W	12	S1/2SW1/4, S1/2SE1/4	No filed water rights

SANDERS COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments
Quinn	T18N R25W	16	NE1/4, NE1/4NW1/4, SE1/4NW1/4	No filed water rights
Cutoff 6	T18N R26W	6	Lots 3 and 4	No filed water rights
Patrick Creek	T18N R26W	10	SW1/4NW1/4, SW1/4, SW1/4SE1/4	No filed water rights
Cutoff 16	T18N R26W	16	Lots 1-3, SW1/4NE1/4, W1/2, SE1/4	No filed water rights

APPENDIX G – Water Rights Summary

Cube Iron Mtn	T22N R29W	16	NW1/4NW1/4	No filed water rights
Ashley Creek	T22N R29W	36	All	No filed water rights

GRANITE COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments
Colma Gulch	T11N R16W	16	All	No filed water rights

POWELL COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Monture	T16N R13W	26	NE1/4SE1/4	No filed water rights

Outstanding Water Rights to a Third Party

MINERAL COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Johnson Gulch	T17N R26W	36	All	<p>Outstanding Water Right # 76M 142211, POD headgate, Helen, Roger, & Warrell Brockway, SW1/4SE1/4SW1/4;</p> <p>Outstanding Water Right # 76M 149589, POD flowing, Helen & Warrell Brockway, SW1/4SE1/4SW1/4;</p> <p>Outstanding Water Right # 76M 149591, POD headgate, Roger Brockway, SW1/4SW1/4NW1/4;</p> <p>Outstanding Water Right # 76M 149595, POD headgate, Helen, Roger, and Warrell Brockway, SW1/4SE1/4SW1/4;</p> <p>Outstanding Water Right # 76M 49893, POD headgate, MT State Board of Land Commissioners, NE1/4NW1/4SE1/4;</p> <p>Outstanding Water Right # 76M 49894, POD headgate, MT State Board of Land Commissioners, NE1/4NW1/4SE1/4</p>

MISSOULA COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Rock Creek	T11N R17W	36	All	Outstanding Water Right # 76E 133209 , POD Instream, MT State Fish, Wildlife, & Parks, no refinement of location
Sixmile 2	T15N R22W	2	Lots 1,2, S1/2 NE1/4, SE1/4NW1/4	<p>Outstanding Water Right # 76M 149206, POD headgate, George & Janeva Galayda, SW1/4NW1/4NE1/4;</p> <p>Outstanding Water Right # 76M 149207, POD ditch, George & Janeva Galayda, SW1/4NW1/4NE1/4;</p> <p>Outstanding Water Right # 76M 214811, POD headgate, BW Mgmt, Inc., NW1/4NW1/4NE1/4;</p> <p>Outstanding Water Right # 76M 25732, POD headgate, Ann & Eugene Rambert, NW1/4NW1/4NE1/4;</p> <p>Outstanding Water Right # 76M 45512, POD headgate, Sharon &</p>

APPENDIX G – Water Rights Summary

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
				Wayne Meng, NW1/4NW1/4NE1/4; Outstanding Water Right # 76M 45514 , POD multiple, Sharon & Wayne Meng, NW1/4NW1/4NE1/4; Outstanding Water Right # 76M 99192 , POD headgate, Darrell & Tera Pyron, Arthur, Christine, Dennis, Edgar, & Patricia Scheffer, NW1/4NW1/4NE1/4; Outstanding Water Right # 76M 99194 , POD headgate, Darrell & Tera Pyron, Arthur, Christine, Dennis, Edgar, & Patricia Scheffer, NW1/4NW1/4NE1/4; Outstanding Water Right # 76M 99196 , POD ditch/gravity flow, Darrell & Tera Pyron, Arthur, Christine, Dennis, Edgar, & Patricia Scheffer, NW1/4NW1/4NE1/4; Outstanding Water Right # 76M 99390 , POD headgate, Scott Hunter, NW1/4NW1/4NE1/4;
Grant Creek	T14N R19W	16	W1/2, N1/2NE1/4, SW1/4NE1/4	Outstanding Water Right # 76M 125064 , POD headgate, Grant Creek Ranch, LLC, SE1/4SE1/4SW1/4

Misfiled Water Rights on DNRC Land
MISSOULA COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Lolo Creek	T12N R22W	36	S1/2NE1/4, SW1/4NW1/4, S1/2	Misfiled Water Right # 76H 67596 , POD well, POU domestic, Amidamin Manoochehr, NW1/4NW1/4SW1/4
Rattlesnake	T14N R19W	14	S1/2NE1/4, W1/2, SE1/4	Misfiled Water Right # 76M 11218 , POD well, POU domestic, Peter Edgell, SE1/4NW1/4
Crazy Canyon	T13N R19W	36	Lots 1 to 9 inclusive, NW1/4NE1/4, N1/2NW1/4	Misfiled Water Right # 76G 110530 , POD well, Diane Heath-Baggett, SW1/4

Water Rights Being Conveyed
MISSOULA COUNTY, Montana Principal Meridian

Parcel Name	Township Range	Section	Legal Description	Comments (WR#, Owner, and where water rights are located)
Butler Creek	T16N R23W	24	SE1/4	Convey Water Right # 76M 214085 , POD direct from source, Montana, State of Board of Land Commissioners, S1/2SE1/4
Deep Creek	T13N R21W	20	NW1/4NE1/4, N1/2NW1/4, SW1/4NW1/4	Convey Water Right # 76M 214084 , POD direct from source, POU stock, MT State Board of Land Commissioners, N1/2NW1/4

APPENDIX H – Title Commitment Encumbrances for DNRC Lands

County	Name	Legal	Section	Description	Encumbrance
Granite	Colma Gulch	T11N R16W	16	All	Easement to BPA for a 525 KV transmission line and 5 access roads. R/W Deed #D-8257
Mineral	Needle Peak	T14N R25W	34	NW1/4	Road Easement to The Anaconda Company R/W Deed #D-5818 Road Easement to The United States of America (Forest Service) R/W Deed #D-5598 Road Easement to The Anaconda Company R/W Deed #5140
Mineral	Johnson Creek	T17N R26W	36	All	Road Easement to The United States of America for Johnson Creek Road #540 R/W Deed #D-4385 Road Easement to The United States of America for ditch repair on Johnson Creek Road #540 R/W Deed #D-4850 R/W Deed D-6316 to Clark Fork Telecommunication for a telephone line.
Mineral	Cutoff 10	T18N R27W	10	Lots 3 and 4	Road Easement to The United States of America (Forest Service) for South Side Cutoff Road #9113 R/W Deed #D-8067
Mineral	Cutoff 12	T18N R27W	12	Lots 1-6 inclusive, S1/2NE1/4, EXCEPT a strip of land 200 feet in width, being 100 feet wide on each side of the centerline of the new main track of the Northern Pacific Railway Company, as the same is now located, per February 4, 1907 State of Montana Patent No. 848 pg 123, being 7.32 acres more or less.	State Highway Easement to State Highway Commission of Montana R/W Deed #D-5924 Any claim to mean low water line of Clark Fork River and meander line as show by Original Government Survey Any right to State within the natural bed of the Clark Fork River below the ordinary low water line Any portion of the described land within the natural bed of the Clark Fork River below the natural or ordinary low water mark prior to any artificial or avulsive changes in the location of the shoreline. Public rights & easement for commerce, recreation, navigation & fisheries.
Mineral	Boyd 16	T18N R28W	16	N2, NW4SW4, S2S2	Road Easement to the the United States of America (Forest Service) for Mullan Gulch Road #6302 R/W Deed #D-7023
Mineral	Boyd 18	T18N R28W	18	Lots 1,2,3,4, N1/2NE1/4, SW1/4NE1/4, E1/2NW1/4, E1/2SW1/4, W1/2SE1/4, NE1/4SE1/4	Telephone Line Easement to Mountain States Telephone and Telegraph Company R/W Deed #D-1272 Easement to the The United States of America (Forest Service) for Mullan Gulch Road #6302 R/W Deed #D-7039 State Highway Easement to State Highway Commission of Montana R/W Deed

APPENDIX H – Title Commitment Encumbrances for DNRC Lands

County	Name	Legal	Section	Description	Encumbrance
					#D-7117
Mineral	Boyd 20	T18N R28W	20	N1/2NE1/4, N1/2NW1/4, SE1/4NE1/4, N1/2SW1/4, N1/2SE1/4	Telephone Line Easement to Mountain States Telephone and Telegraph Company R/W Deed #D-1272 State Highway Road Easement to State R/W Deed #D-7116 State Highway Road Easement to State R/W Deed #D-2914
Mineral	Cold Peak	T18N R28W	36	NE4SW4, NE4SE4	Access Road Easement to The United States of America for Cold Creek Road #3803 R/W Deed #D-4661
Missoula	Rock Creek	T11N R17W	36	All	Easement to The United States of America for Babcock Trail #91.1 R/W Deed #D-5043 Easement to the United States for a public highway. R/W Deed #D-01485. Road Easement from Anaconda Company to Champion International Corp
Missoula	Pattee Canyon	T12N R19W	12	S1/2SW1/4, S1/2SE1/4	Road Easement to the Anaconda Company R/W Deed #D-5085 subsequently assigned to the United States of America on 12/10/1968 in B 15, Road Easement from Anaconda Company to Champion International Corp Road Easement to Plum Creek Timberlands R/W Deed #D-11612
Missoula	Lolo Creek	T12N R22W	36	S1/2NE1/4, SW1/4NW1/4, S1/2	Road Easement to Missoula County R/W Deed #D-2873 State Highway Easement from Missoula County to State of Montana (Highway Commission) State Highway Easement to State Highway Commission R/W Deed #D-4598 Road Easement to The United States of America (Forest Service) for Elk Meadows Road #451 and Butte Creek Road #2171 R/W Deed # 7288 use of easement and across it was assigned to Champion International Corp on 09/26/1979 in Vol 147, P 1313 and also to Burlington Northern, Inc on 09/26/1979 in Vol 147, P 1038 Road Easement to The United States of America (Forest Service) R/W Deed #D-2923, and corrective deed recorded 11/15/1967 in B 10, P 688
Missoula	Crazy Canyon	T13N R19W	36	Lots 1 to 9 inclusive, NW1/4NE1/4, N1/2NW1/4	Gas Pipe Line Easement to Montana Power Company R/W Deed #D-3434 Buried Telephone Cable Easement to The Mountain States Telephone and Telegraph Company R/W Deed #D-8418

APPENDIX H – Title Commitment Encumbrances for DNRC Lands

County	Name	Legal	Section	Description	Encumbrance
					Gas Pipe Line Easement to Montana Power Company R/W Deed #D-9826
Missoula	Black Mtn	T13N R21W	16	S1/2SE1/4	Access Road Easement to The United States of America (BPA), R/W Deed #D-8524 Road Easement to The United States of America (Forest Service) for Dry Gulch Road #9961 R/W Deed #D-6853 Road Easement to Plum Creek Timberlands L.P , R/W Deed D-12357
Missoula	Deep Creek	T13N R21W	20	NW1/4NE1/4, N1/2NW1/4, SW1/4NW1/4	Road Easement to The United States of America (Forest Service) in Lolo National Forest D-5906
Missoula	Snowbowl Road	T14N R19W	4	E1/2SW1/4, SW1/4SW1/4, W1/2SE1/4	Road Easement to Robert W. Johnson for Point Six Road Project #698.1 R/W Deed #D-4724, subsequently granted to the the United States of America on 11/16/1962 in B 226, Page 538 Road Easement from Anaconda Company to Champion International Corp Road Easement from Robert W. Johnson to The Anaconda Company
Missoula	Grant Creek	T14N R19W	16	W1/2, N1/2NE1/4, SW1/4NE1/4	Road Easement from Anaconda Company to Champion International Corp Road Easement to Grant Creek Ranch Corp R/W/ Deed #D-5796 Road Easement to Robert W. Johnson for Point Six Road Project #698.1 R/W Deed #D-4718 subsequently granted to The United States of America on 11/16/1962 in B 226 P 532 Electric Transmission System Easement to the Montana Power Company R/W Deed #D-5054 Electric Transmission System Easement to Montana Power Company R/W Deed #D-2254 Road Easement from Robert W. Johnson to The Anaconda Company
Missoula	Peppard	T14N R22W	16	All	Road Easement to The United States of America (Forest Service) for Upper Peppard Gulch Road #4285 and Albert-Lothrop Road #5563 R/W Deed #D7803
Missoula	Corral Creek	T15N R22W	36	S2N2, S2	Road Easement to The United States of America (Forest Service) for South Side Road #453.3 R/W Deed #D-6510 Road Easement to The United States of America (Forest Service) for Tank Creek Pasture Road #5562 R/W Deed #D-6511
Missoula	Stark Creek	T15N R23W	2	W1/2NW1/4, SW1/4, W1/2SE1/4	Road Easement to The United States of America (Forest Service) for Rennic-Cedar Road #5515 R/W Deed #D-7395

APPENDIX H – Title Commitment Encumbrances for DNRC Lands

County	Name	Legal	Section	Description	Encumbrance
					Electric Transmission Line Easement issued to Missoula Electric Coop. for an overhead distribution line. R/W Deed #D-11957.
Missoula	Butler Creek	T16N R23W	24	SE1/4	Butler Creek Road Project #456 R/W Deed #D-5348, subsequently granted to Northern Pacific Railway Company on 07/07/1966 in B 3 P 1486
Powell	Monture Creek	T16N R13W	26	NE4SE4	Road Easement from the Anaconda Company to the United States of America for Cottonwood Lakes Road #477.2 Road Easement to the United States for the Cottonwood Lakes Road #477.2 R/W Deed #d-4585
Sanders	Cutoff 6	T18N R26W	6	Lots 3 and 4. EXCEPT a strip of land 200 feet in width, being 100 feet wide on each side of the centerline of the main track of the Northern Pacific Railway Company, as the same is now located, per August 8, 1907 State of Montana Patent No. 1111 being 5.32 acres more or less.	Road Easement from Northern Pacific Railway Company to The United States of America for public highway State Highway Easement to State Highway Commission of Montana R/W Deed #D-5160 Road Easement to The State Highway Commission of Montana R/W #D-5925 Agreement between the Northern Pacific Railway Company and State of Montana and County of Sanders for reconstruction of Regis-Paradise Road
Sanders	Patrick Creek	T18N R26W	10	SW1/4NW1/4, SW1/4, SW1/4SE1/4	State Highway Easement to State Highway Commission of Montana R/W Deed #D-4474
Sanders	Cutoff 16	T18N R26W	16	Lots 1-3, SW1/4NE1/4, W1/2, SE1/4, EXCEPT a strip of land 200 feet in width, being 100 feet wide on each side of the centerline of the new main track of the Northern Pacific Railway Company, as the same is now located, per February 4, 1907 State of Montana Patent No. 848 pg. 123 being 3.63	State Highway Easement to State Highway Commission of Montana D-4466 Assignee's Declaration of Land Grant filed by Hanna D. Thornton that she is assignee to land patents or grants #81, #735 and #1100394, filed 07/30/1992 in microfilm records 4399

APPENDIX H – Title Commitment Encumbrances for DNRC Lands

County	Name	Legal	Section	Description	Encumbrance
				acres more or less	
Sanders	Ashley Creek	T22N R29W	36	All	Trail Easement to the United States of America (Forest Service) D-5764

Unrecorded Encumbrances for DNRC Lands

County	Name	Legal	Section	Description	Encumbrance
Mineral	Needle Peak	T14N R25W	34	NW1/4	Road Easement to Anaconda Company R/W Deed # D-5140, issued 06/08/1964 containing 6.17 acres
Mineral	Johnson Gulch	T17N R26W	36	All	Telephone Easement to Clark Fork Telecommunications R/W Deed # D-06316, issued 03/22/1974 containing 0.58 acres
Mineral	Marble Creek	T17N R27W	16	SW1/4SE1/4, S1/2SW1/4	Parkland Use to Montana Department of Fish and Game R/W Deed #D-06952, issued 10/17/1977 containing 18.32 acres
Mineral	TwoMile	T18N R28W	30	Lots 3 and 4, E2SW4, SE4	Easement to the United States of America for Newman Ridge Road #1185 R/W Deed #D-5168, issued 08/17/1964 containing 27.85 acres
Missoula	Rock Creek	T11N R17W	36	All	Public Highway Easement to the United States of America R/W Deed # D-01485, issued 05/02/1927 containing 4.41 acres
Missoula	Lolo Creek	T12N R22W	36	S1/2NE1/4, SW1/4NW1/4, S1/2	Railroad R/W Easement to Clearwater Short Line Railway Company R/W Deed # D-00006, issued 08/23/1909 containing 2.64 acres
Missoula	Gus Creek	T13N R23W	16	N1/2	Easement to the public for public road
Missoula	Rattlesnake	T14N R19W	14	S1/2NE1/4, W1/2, SE1/4	Easement to the public for public road
Missoula	Grant Creek	T14N R19W	16	W1/2, N1/2NE1/4, SW1/4NE1/4	Electric Transmission Line Easement to Montana Power Co. R/W Deed #D-05054, issued 10/31/1963 containing 1.64 acres.
Missoula	SixMile 2	T15N R22W	2	Lot 1	Road Easement to The United States of America (Forest Service) for Upper SixMile Road #5598 and Royal Spur Road #16319 R/W Deed #D-7949, issued 03/22/1983 containing 3.2 acres
Missoula	Corral Creek	T15N R22W	36	N2S2, S2	Road Easement to The United States of America (Forest Service) for Norway Spur Road #16742 R/W Deed #D-6692, issued 05/18/1976 containing 0.58 acres

APPENDIX H – Title Commitment Encumbrances for DNRC Lands

County	Name	Legal	Section	Description	Encumbrance
Powell		T16N R13W	26	NE4SE4	Road Easement to the United States of America for Cottonwood Lakes Road #477.2 R/W Deed #D-4585, issued 07/10/1962 containing 3.086 acres
Sanders	Cutoff 6	T18N R26W	6	Lots 3 and 4. EXCEPT a strip of land 200 feet in width, being 100 feet wide on each side of the centerline of the main track of the Northern Pacific Railway Company, as the same is now located, per August 8, 1907 State of Montana Patent No. 1111 being 5.32 acres more or less.	Road Easement to State Highway Commission R/W Deed #D-05925, issued 01/05/1970 containing 1.30 acres

Permits and Leases for DNRC Lands

County	Name	Legal	Section	Description	Permits or Leases
Mineral	Marble Creek	T17N R27W	16	SW1/4SE1/4, S1/2SW1/4	Grazing Lease to James S. Warnken, Lease # 9514, 120 acres, in the W1/2, expired 2/28/2005
Mineral	Cutoff 12	T18N R27W	12	Lot 1 -6 inclusive, S2NE4	Grazing Lease to Denley M. Loge, Lease # 3061146, expires 2/28/2017
Mineral	Mayo 18	T18N R27W	18	Lot 1, N1/2NE1/4, NE1/4NW1/4	Grazing Lease to Robert B and Nicola Clyde, Lease # 3062551, 316 total acres, expires 2/28/2015
Missoula	Rock Creek	T11N R17W	36	All	Fishing Access Site to Montana Department of Fish, Wildlife and Parks, Lease # 3062387, approximately 4 acres in the NE1/4NE1/4, expired 2/28/2010. Forest Grazing License #3061133 to Scott Tucker expires 2/28/2011.
Missoula	Grant Creek	T14N R19W	16	W1/2, N1/2NE1/4, SW1/4NE1/4	Grazing Lease to Elizabeth Lowrance, Lease #3060907, 320 acres, in the W1/2, expires 2/28/2013

APPENDIX H – Title Commitment Encumbrances for DNRC Lands

County	Name	Legal	Section	Description	Permits or Leases
Powell	Monture Creek	T16N R13W	26	NE4SE4	Recreational Use License SWLO-04-001 Expires 2/28/2014 Recreational Use License SWLO-RU3-006 Expires 2/28/2014
Missoula	Corral Creek	T15N R22W	36	S1/2 NE1/4, S1/2NW1/4, S1/2	Grazing Lease to Thomas R. Scheffer, Lease # 3060122, 112 acres, north of river only, expires 2/28/2012
Missoula	Butler Creek	T16N R23W	24	SE1/4	Grazing Lease to Michael and Jan Sousa, Lease # 3062936, 160 acres, expires 2/28/2013

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